



**Municipal Sanitary Authority of  
The City of New Kensington**  
Westmoreland County, Pennsylvania

**Pretreatment Annual Report  
for Reporting Year 2019**

March 2020

Submitting Office:

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## **PRETREATMENT PERFORMANCE SUMMARY**

### **I. General Information**

Control Authority:	Municipal Sanitary Authority of the City of New Kensington	
Address:	120 Logans Ferry Road	
City: New Kensington	State: PA	Zip+4: 15068-2046
Contact Person/Title:	Daniel H. Rowe, Jr.	
Title:	Manager, MSANK	
Telephone Number:	(724) 335-9813	
E-mail address:	<a href="mailto:drowe@msank.org">drowe@msank.org</a> and <a href="mailto:Linda.French@mottmac.com">Linda.French@mottmac.com</a>	
NPDES Permit No.:	PA0027111	
Permit Issuance Date:	July 1, 2017	Expiration Date: June 30, 2022
Reporting Period:	January 1, 2019 through December 31, 2019	
Total Categorical SIUs:		1
Total "Middle Tier" CIUs (MTCIUs):		0/0
Total Nonsignificant CIUs (NSCIUs):		0/0
Total Significant Non-Categorical IUs (SNIUs):		4

### **II. Compliance Monitoring Program**

1. No. of SIUs with Current Control Documents	5
2. No. of SIU Facilities Inspected	5
3. No. of SIU Facilities Sampled	5
4. No. of SIUs Submitting Self-Monitoring Reports	5

### **III. Significant Industrial User Compliance**

1. No. of SIUs Violating a Compliance Schedule/No. On a Schedule	0/1
2. No. of SIUs in SNC for the July to December 2019 Period	1
3. No. of SIUs in SNC at Any Time during Calendar Year	1
4. No. of SIUs in SNC That Were Also in SNC during the Previous Calendar Year	1
5. No. of NSCIUs that violated any standards or requirements	0

### **IV. Enforcement Actions**

1. Notices / Letters of Violation Issued to SIUs	17
2. Enforceable Compliance Schedules Issued to SIUs	1
3. Civil/Criminal Suits Filed:	0/0
4. No. of SIUs from which Penalties have been Collected	1
5. Other Actions (sewer bans, etc.)	0

I certify that the information contained in this report and attachments is complete and accurate to the best of my knowledge.

Daniel H. Rowe, Jr.  
Name of Authorized Representative

Manager / Pretreatment Coordinator  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_, 2020  
Date

Linda French  
Name of Authorized Representative

Pretreatment Consultant  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_, 2020  
Date



## **Part A Pretreatment Program Performance**

### **I. General Information**

During 2019, the Municipal Sanitary Authority of the City of New Kensington (MSANK) continued implementation of its Industrial Pretreatment Program. A total of one hundred and fifty-two (152) dischargers were permitted under the pretreatment program in 2019, as compared to one hundred and fifty-six (156) in 2018. During 2019, four (4) nonsignificant businesses closed. The significant industrial dischargers regulated under pretreatment permits are included in **Attachment 1**.

#### **A. Total of Categorical Significant Industrial Users**

There was one (1) categorical SIU permitted under the Pretreatment Program during 2018. The categorical SIU was Keystone Rustproofing. Keystone Rustproofing is regulated under the daily maximum local limits and monthly average Categorical Limits calculated by the Combined Waste Stream Formula (40 CFR, Part 413 Electroplating and 40 CFR 433 Metal Finishing).

The address for this facility is as follow:

Keystone Rustproofing, Inc.  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068

During 2019, there were no SIUs subject to the Transportation Equipment Cleaning, Centralized Waste Treatment or Pharmaceutical Manufacturing standards.

During 2019, there were no facilities designated as “middle tier” categorical industrial users, or nonsignificant categorical industrial users.

#### **B. Total of Non-categorical Significant Industrial Users**

There were four (4) non-categorical SIUs permitted under the Pretreatment Program during 2019. These SIUs included AVH-Outpatient Care Center, Smithfield Corporation (formerly Farmland), New Kensington Redevelopment Authority (Schreiber Industrial Park), and Unifirst Corporation.

Addresses for these facilities are as follows:

1. AVH-Outpatient Care Center  
651 Fourth Avenue  
New Kensington, PA 15068

2. Schreiber Industrial District/Redevelopment Authority of the City of New Kensington  
901 Fifth Avenue  
New Kensington, PA 15068

MSANK requests an updated listing of all companies located in the Schreiber Industrial District annually. The facilities for 2019 are as follows: Affival, Ambox Op. Co. LLC, Beacon Sales Acquisition, Mineral Processing, Smooth Line, Inc., Specialty Alloy, Annford, Inc./Lloyd Snell (car wash detergent blending), APA Trucking (Repair Trailers), Gentile Manufacturing (dry storage), Habsco (Office), Ken Clifton (motor home), Mineral Processing Specialties (metal recycling plant), Performance Spray (spray equipment), Shurina Brothers (Trucks), Smithfield (dry storage of spices, not the manufacturing facility), Specialty Alloy Processing Company (heat treated metal), Vere, Inc. (optical), and American Felt (Industrial Felt Products).

MSANK intends to further investigate the facilities that are new to the Industrial District since 2018.

3. Smithfield Corporation (formerly Farmland Foods)  
2200 Rivers Edge Drive  
Arnold, PA 15068
4. Unifirst Corporation  
1150 Second Avenue  
New Kensington, PA 15068

### **C. Total of Non-Significant Industrial Users**

There was a total of one hundred and forty-seven (147) nonsignificant industrial users permitted under the industrial pretreatment program by the end of 2019. During 2019 several nonsignificant businesses closed including Big K, Loafin Bakery, Top China Buffet and Wholesale Transmission.

## **II. Compliance Status of Significant Industrial Users**

MSANK requires all regulated significant industrial users to conduct self-monitoring of wastewater discharges. A summary of the monitoring requirements for the significant industrial users regulated under Pretreatment Permits is included in **Attachment 2**. This summary lists the name, classification, average daily flow, annual number and type of required monitoring events, monitoring event dates and required analytical parameters for significant industrial users. MSANK issues all pretreatment permits on an annual basis. All pretreatment permits issued by MSANK in 2019 were effective on January 1, 2019 and expired on December 31, 2019.

**A. Number of SIUs required to submit Baseline Monitoring Reports**

No SIUs were requested to submit Baseline Monitoring Reports during 2019.

**B. Number of SIUs required to submit 90-Day Compliance Reports**

During 2019, no SIUs were required to submit 90-day compliance reports.

**C. Number of SIUs required to submit Self-Monitoring Compliance Reports**

All categorical and significant non-categorical users are required to conduct self-monitoring. MSANK does not sample on behalf of any facility in lieu of self-monitoring.

There was a total of five (5) SIUs required to submit self-monitoring reports during 2019. The status of the self-monitoring report submissions by each SIU is described as follows.

**1. AVH-Outpatient Care Center**

Four self-monitoring reports were required to be submitted during 2019. AVH submitted the first and second quarter self-monitoring reports in accordance with the requirements but was late 18 days in submitting the third quarter report and 18 days late in submitting the fourth quarter report. The Notices of Violation are discussed in Section IV Compliance Enforcement Program.

**2. Keystone Rustproofing, Inc.**

Six self-monitoring reports were required to be submitted during 2019. Six self-monitoring reports were submitted in accordance with requirements.

**3. Schreiber Industrial Development Co.**

Four self-monitoring reports were required to be submitted during 2019. Schreiber submitted the first, third and fourth quarter reports in accordance with requirements. The second quarter report was submitted two days late due to a miscommunication between their representatives. This was considered a minor incident not requiring a Notice of Violation.

**4. Smithfield Farmland (Farmland Foods) Corporation**

Twelve self-monitoring reports were required to be submitted during 2019. Smithfield submitted all twelve self-monitoring reports in accordance with requirements.

## **5. Unifirst Corporation**

Twelve self-monitoring reports were required to be submitted during 2019. Eleven self-monitoring reports were submitted in accordance with requirements, but the September self-monitoring report was submitted 14 days late. The Notice of Violation is discussed in Section IV.

### **D. Number of SIUs placed on a Compliance Schedule**

A single SIU was placed on a compliance schedule during 2019. An Administrative Compliance Order was issued to Keystone Rustproofing, Inc. on December 16, 2019. The Order requires submission of periodic compliance reports by milestone dates in 2020.

### **E. Number of SIUs in Significant Noncompliance status during 2019**

There was a single SIU in Significant Noncompliance status during 2019. The Significant Noncompliance Newspaper Notice is included in **Attachment 3**.

## **III. Compliance Monitoring Program**

All industries discharging wastewater into the MSANK sewerage system must comply with the terms and conditions of the Industrial Pretreatment Ordinance, Industrial Pretreatment Permit and the Rules and Regulations Governing Sewage Services. All industrial wastewater dischargers are required to conduct wastewater self-monitoring procedures.

MSANK continues to track industrial user compliance using a Testing and Inspection Summary. The reports indicate the name of the industrial user, classification, permit number, required monitoring frequency and dates of each sampling and/or inspection conducted by the user and MSANK at the facility throughout the year. The Testing and Inspection Summaries for 2019 are included in **Attachment 4**.

### **A. Number of Control Documents issued during the reporting period**

Pretreatment Permits were issued to five (5) SIUs and one hundred and forty-seven (147) non-significant industrial users during 2019.

### **B. Number of facilities inspected during the reporting period**

During 2019, MSANK inspected each SIU facility permitted under the pretreatment program. The SIU facilities and the dates that MSANK inspected the facilities are as follows:

<u>Significant Industrial User</u>	<u>Date of MSANK Inspection</u>
1. AVH – Outpatient Care Center	November 19, 2019
2. Keystone Rustproofing, Inc.	November 14, 2019
3. Schreiber Industrial Development Co.	November 13, 2019 (Annford and Industrial Felt)
4. Smithfield Corporation	November 14, 2019
5. Unifirst Corporation	October 1, 2019

#### **C. Number of facilities sampled during the reporting period**

MSANK conducted an “announced” sampling for all facilities and an “unannounced” sampling at all facilities in 2019. During both the “announced” and “unannounced” sampling, a 24-hr. composite sample was collected by MSANK. The dates that MSANK conducted sampling of the SIU facilities during 2019 are as follows:

<u>Significant Industrial User</u>	<u>MSANK Sampling Events</u>
1. AVH-OCC	August 13-14, 2019 / November 20-21, 2019
2. Keystone Rustproofing, Inc.	Daily Sampling from Feb. 2-August 12, 2019
3. Schreiber Industrial Dev. Co.	August 13-14, 2019 / November 12-13, 2019
4. Smithfield (Farmland)	August 6-7, 2019 / October 23-24, 2019
5. Unifirst Corporation	July 31-August 1, 2019 / October 1-2, 2019

#### **IV. Compliance Enforcement Program**

MSANK has developed a Self-Monitoring Report Review Summary to enable the compliance status of each SIU to be tracked throughout the year. A copy of the 2019 SIU Self-Monitoring Report Review Summary is included in **Attachment 6**. This status report indicates whether self-monitoring reports have been submitted by the SIU and the MSANK review status of the report including whether the report was late or if Significant Noncompliance status applies to the facility. Use of this tracking mechanism is intended to enable Notices of Violation to be issued in a timely manner.

##### **A. Number of Notices / Letters of Violation issued to SIUs**

MSANK issued a total of seventeen (17) Notices (Letters) of Violation for pretreatment violations during 2019. Copies of Notices of Violation, Penalty Notification Letters, and Enforcement Action Reports/Letters are in **Attachment 5**. A breakdown of the notices / letters issued by MSANK to the SIUs applicable to 2019 is as follows:

<u>Significant Industrial User</u>	<u>Number of Notices of Violation Letters Issued by MSANK Applicable to 2019</u>
1. AVH-OCC (Citizens)	3
2. Keystone Rustproofing	10
3. Schreiber Industrial. Development Co.	0

4. Smithfield (Farmland)	0
5. Unifirst Corporation	4
Total	17

1. AVH - Outpatient Care Center (Citizens Ambulatory Care Center): AVH – Outpatient Care Center (AVH) was in compliance during 2019 except for a slight exceedance of the Copper limit from the March 11-12, 2019 sampling event at the parking lot discharge. MSANK issued a Notice of Violation dated March 29, 2019. The AVH response letter dated April 12 indicated they knew of no reason for the elevated level. AVH also submitted their 3<sup>rd</sup> Quarter report 18 days late. MSANK issued a Notice of Violation dated November 25, 2019 for this reporting violation. AVH also submitted their 4<sup>th</sup> Quarter report 18 days late. MSANK issued a Notice of Violation dated February 27, 2020 for this violation. AVH submitted a response letter dated March 4, 2020 that stated the delay was due to computer issues between both AVH and their laboratory. Further enforcement action on these matters will be considered in 2020.

MSANK sent an Industrial Sewer Use Questionnaire to AVH on May 29, 2019, which is considered the permit application for the following year. The returned permit application did not indicate a need to change AVH's 2020 Permit.

2. Keystone Rustproofing, Inc.

Keystone Rustproofing remained in significant noncompliance throughout 2019. The following is a chronology of the events during the year. All referenced documents are attached for reference.

- Keystone filed a Petition for Review of the 2018 penalty assessments in the Court of Common Pleas of Westmoreland County on January 4, 2019. The penalties were \$46,000 and \$72,000 for violations that occurred from February through August of 2018. The case has not yet been adjudicated.
- On January 11, 2019 Keystone submitted Petitioner's Answer to MSANK's Request for Production of Documents.
- Keystone filed a Petition for Review of the 2019 pretreatment permit in the Court of Common Pleas of Westmoreland County on January 17, 2019. The case has not yet been adjudicated.
- MSANK issued a Notice of Violation dated January 17, 2019 for the split sample event conducted at Keystone on November 29-30, 2018 which indicated violations of the Zinc, Nickel and Cyanide daily maximum limitations and the Zinc and Cyanide monthly average violations.

- On January 24, 2019, MSANK filed Respondent's Preliminary Objections to Petitioner's Petition for Review of Penalty Assessment in the Court of Common Pleas of Westmoreland County, PA.
- MSANK issued a Notice of Violation dated January 29, 2019 for a sample event conducted by Keystone on December 13-14, 2018 which indicated violations of the Nickel and Cyanide daily maximum limitation and the monthly average Cyanide concentration.
- Beginning on February 5, 2019 MSANK contracted with an outside lab to conduct daily sampling of the discharge in an effort to determine if Keystone was coming into compliance and to help them evaluate their processing methods. The daily sampling program continued until August 12, 2019. At that time, Keystone elected to continue the daily sampling program to enable them to evaluate their process operations. The daily sampling program then continued from August 19 through December 27, 2019. A compilation of the data is included in the Self-Monitoring Report Review Summary referenced herein and in **Attachment 6**. The data was evaluated for significant noncompliance. The results of the evaluation showed that Keystone was in significant noncompliance throughout the year.
- Keystone submitted a letter to MSANK dated March 5, 2019 to inform they were implementing recommendations from their Root Cause Analysis report including additional investigations of the cyanide pretreatment system and the metals precipitation system.
- Keystone submitted another letter to MSANK on March 5, 2019 that responded to the Notices of Violation dated January 17, 2019 and January 29, 2019. Keystone continued to argue that the MSANK daily maximum local limits shouldn't apply to them since they are a categorical user.
- Keystone submitted an Updates to Pretreatment System document to MSANK on March 15, 2019. Upgrades included adding an additional pH monitor closer to their pretreatment system final discharge. They also added an additional filter at the clarifier outlet. They hired a consultant to determine the root cause of the compliance problems.
- On March 18, 2019, MSANK issued a notification of prohibited pH discharges from Keystone on Feb. 14, Feb. 19, Feb. 25, and March 4, 2019.
- MSANK issued a Notice of Violation dated April 10, 2019 for Nickel, Total Cyanide, and Zinc daily maximum violations and Zinc and Total Metals monthly

average violations from Keystone's self-monitoring event on February 27-28, 2019.

- MSANK issued an Administrative Show Cause Order dated April 11, 2019 for prohibited pH discharges less than 5.0 s.u. on Feb. 14, Feb. 19, Feb. 25, March 4, April 1 and April 2, 2019.
- Keystone submitted an Outline of Response to MSANK Order on April 15, 2019. The outline stated that the low pH discharges during February and March were caused by malfunctions in the computer controls and membranes in their ultrafiltration system at the end of treatment. Corrective measures included relocating their recording pH meter and taking the ultrafiltration system out of service. A spun polyester disposable cartridge final filter was installed and tested during early March.
- Keystone submitted an Answer to Rule to Show Cause Order dated April 25, 2019 to MSANK. The Answer stated that the low pH wastewater that may have been discharged on the referenced dates were caused by an equipment malfunction. The malfunctioning equipment (ultrafiltration system) had been replaced and disconnected.
- On May 14, 2019, Keystone submitted a response to the Notice of Violation dated April 10, 2019 for the February self-monitoring report. Keystone continued to dispute the daily maximum local limits.
- An additional instance of prohibited pH discharge occurred at Keystone on April 15, 2019 and MSANK issued a second Administrative Show Cause Order on May 15, 2019.
- MSANK issued a Notice of Violation on June 3, 2019 for Keystone's self-monitoring event on April 29, 2019 for violations of the Nickel, Total Cyanide, Zinc, Copper, Cadmium and Total Metals daily maximum limits.
- MSANK issued a Penalty Notification letter on July 17, 2019. The penalty was \$80,000 for violations that occurred from September 2018 through December 2018. As noted previously, Keystone filed an appeal of these penalties.
- On August 12, 2019 Keystone filed a Petition for Review with the Court of Common Pleas of Westmoreland County for the July 17, 2019 penalty assessment.
- It was decided to combine both of the show cause hearings into a single hearing. The Show Cause Hearing was held at MSANK on August 15, 2019. Keystone



argued that their continuous pH charts did not show occurrences of low pH discharges, however the pH charts were based on the pH of the clarifier discharge not the final discharge.

- MSANK issued a Show Cause Hearing Findings of Fact on October 11, 2019.
  - Keystone also issued Proposed Findings of Fact in the Rule to Show Cause proceeding on October 11, 2019.
  - On October 21, 2019, the MSANK Board voted to fine Keystone \$6,500 for the prohibited pH discharges that were the subject of the Show Cause Hearing.
  - MSANK issued a Notice of Violation to Keystone on October 30, 2019 for violations that occurred from the daily sampling program from February 6-August 12, 2019.
  - Keystone submitted a response to the October 30, 2019 Notice of Violation on December 4, 2019. Keystone continues to dispute having daily maximum local limits that are lower than the monthly average categorical limits.
  - Based on Keystone's ongoing significant noncompliance status, MSANK issued an Administrative Compliance Order and notice of significant noncompliance on December 16, 2019. The Compliance Order requires Keystone to revise production operations or implement alternative treatment technologies to enable a return to compliance. The Compliance Order also requires Keystone to submit progress reports by milestone dates.
  - MSANK issued a Notice of Violation dated February 13, 2020 for the violations that occurred from July through December 2019.
3. Schreiber Industrial District: The New Kensington Redevelopment Authority submitted the self-monitoring compliance reports in a timely manner and there were no violations during 2019.
  4. Smithfield (Farmland Foods): Smithfield Corporation (Smithfield) was in compliance during 2019. MSANK an Industrial Sewer Use Questionnaire to Smithfield on May 29, 2019. The returned permit application did not indicate a need to change Smithfield's 2020 Permit.
  5. Unifirst Corporation. Unifirst was not in compliance during 2019.

The self monitoring report submitted by Unifirst for the March 3-4, 2019 sampling event indicated violations of the CBOD and pH limits. MSANK issued a Notice of Violation

dated May 13, 2019 for the violations. Unifirst submitted a response letter dated July 1, 2019 that stated that a faulty level transducer was discovered in a pit that holds wastewater for treatment. When the dirty water overflowed into the cleaner water pit, it contaminated that water. They replaced the faulty transducer and the pit pumps became operational again. The response also indicated that Unifirst was not discharging wastewater during the times that the pH was out of compliance. MSANK issued a penalty of \$1,000 for the CBOD violation on July 15, 2019. The penalty was paid on September 10, 2019.

Unifirst also had a violation of the Nickel limit during the July 1-2, 2019 sample event and MSANK issued a Notice of Violation dated September 10, 2019 for this violation.

Unifirst also had a violation for late submittal of their self-monitoring report applicable to September. MSANK issued a Notice of Violation dated November 25, 2019 for this violation.

Unifirst also had a slight violation of the Nickel limit during the October 1-2, sample event. MSANK issued a Notice of Violation dated December 20, 2019 for this violation. Unifirst contacted the MSANK pretreatment coordinator to discuss the violation instead of sending a letter.

MSANK issued an Industrial Sewer Use Questionnaire to Unifirst on May 29, 2019. The returned questionnaire did not indicate a need to change their permit in 2020.

**B. Number of Enforceable Compliance Schedules issued to SIUs**

An enforceable compliance schedule was issued to Keystone Rustproofing, Inc. on December 16, 2019.

**C. Number of Civil Suits Filed/Criminal Suits Filed**

There were no civil or criminal suits filed during the reporting period.

**D. Number and Amount of Penalties Assessed during the reporting period**

A summary table of penalties MSANK issued to SIUs for the Reporting Year 2019 is as follows:

<b>Industrial User</b>	<b>Date of Violation</b>	<b>Type of Violation</b>	<b>Amount of Penalty</b>	<b>Penalty Issued</b>	<b>Penalty Status</b>
Keystone Rustproofing	2/27-28/2018 3/26-27, 2018 3/1-31/2018 4/26-27/2018	Nickel, T. CN (SNC) NI (SNC), ZN ZN NI (SNC)	\$46,000	11/19/2018	In Litigation
Keystone Rustproofing	5/30-31/2018 5/1-31, 2018 7/30-31/2018 7/1-31/2018 8/30-31/2018	CU, NI, T. CN(SNC) T. CN (SNC) CU, NI (SNC) CU (SNC) T. CN (SNC)	\$72,000	11/19/2018	In Litigation
Unifirst Corporation	7/10-11/2018	CBOD	\$5,000	11/19/2018	Paid in Full on 9/10/2019
Unifirst Corporation	3/25-26/2019	CBOD	\$1,000	7/15/2019	Paid in Full on 9/10/2019
Keystone Rustproofing	9/20-21/2018 10/25-26, 2018 11/29-30-2018 12/13-14, 2018	NI, CN, CU, Zn, T. Metals NI, CU, CN NI, CN, ZN NI, CN	\$80,000	7/15/2019	In Litigation
Keystone Rustproofing	2-14, 2-29, 2-25/2019 3-4/2019 4-1,4-2,4-15/ 2019	Prohibited pH Prohibited pH Prohibited pH	\$6,500	10/21/2019	Pending Litigation

**Attachment 1 – Significant Industrial Users Regulated  
Under Pretreatment Program**

## Attachment 1

### Municipal Sanitary Authority of the City of New Kensington Industrial Pretreatment Program

### Pretreatment Year 2019 Industrial Users Regulated Under Pretreatment Permits

#### SIGNIFICANT / MAJOR / CATEGORICAL

Name of Industry		SIC Code	Pretreatment Classification	Description of Operations
1	Keystone Rustproofing Inc.	3471	Significant/Major Categorical	Surface Treatments and Protective Coatings for Metal components. Processes include electroplating, anodizing and metallic conversion coatings

#### SIGNIFICANT / MAJOR / NONCATEGORICAL

2	North Side Foods	2013	Significant/Major Noncategorical	Process raw pork into pre-cooked sausage and bacon
4	Unifirst Corporation	7218	Significant/Major Noncategorical	Uniform rental, servicing and laundering operation

#### SIGNIFICANT / MINOR / NONCATEGORICAL

5	Citizens Ambulatory Care Center (formerly Citizens General Hospital)	8062	Significant/Minor Noncategorical	Inpatient and outpatient treatment
6	New Kensington Redevelopment Authority (Schreiber)	9999	Significant/Minor Noncategorical	Managers of an Industrial Park with approximately 35 industries.

## Attachment 2 – Significant Industrial User Monitoring Requirements

**Attachment 2**  
**Municipal Sanitary Authority of the City of New Kensington**  
**Industrial Pretreatment Program**

**Pretreatment Year 2019**  
**Monitoring Requirements for Industrial Users Regulated Under Pretreatment Permits**

**SIGNIFICANT / MAJOR / CATEGORICAL**

	Name of Industry	Required			Schedule of Self Monitoring	Analytical Parameters
		Average Daily Flow Monitoring (GPD)	Annual Frequency	Annual Number of Scheduled Monitoring		
1	Keystone Rustproofing Inc.	17,500	6	6 Self Monitoring 1 Scheduled Monitoring 1 Unscheduled Monitoring	Every Other Month (see Attach. 4 for self monitoring dates)	pH, Cadmium, Chromium, Copper Total Cyanide, Nickel, Lead, Silver Zinc, Total Metals, TTO

**SIGNIFICANT / MAJOR / NONCATEGORICAL (Discharge Flow >25,000 GPD)**

2	Smithfield Corporation (Farmland Foods)	101,000	48	48 Self Monitoring 1 Scheduled Monitoring 1 Unscheduled Monitoring	Weekly (see Attach. 4 for self monitoring dates)	CBOD, pH, Oil and Grease, TSS
3	Unifirst Corporation	142,000	48	48 Weekly Self Monitoring 1 Scheduled Monitoring 1 Unscheduled Monitoring	Twice Per Month (see Attach. 4 for self monitoring dates)	pH, Oil and Grease, TSS, Cadmium Chromium, Lead, Nickel, Copper, Zinc, CBOD

**SIGNIFICANT / MINOR / NONCATEGORICAL (Discharge Flow 15,000 to 25,000 GPD)**

	Name of Industry	Required			Schedule of Self Monitoring	Analytical Parameters
		Average Daily Flow Monitoring (GPD)	Annual Frequency	Annual Number of Scheduled Monitoring		
4	Allegheny Valley Hospital/ Outpatient Care Center	15,000	4	4 Self Monitoring 1 Scheduled Monitoring 1 Unscheduled Monitoring	Quarterly (see Attach. 4 for self monitoring dates)	pH, CBOD, TSS, Oil and Grease Arsenic, Cadmium, Chromium, Copper Total Cyanide, Lead, Mercury, Nickel Total Phenols, Silver, Zinc, Hexavalent Chromium, Formaldehyde, Temp.
5	New Kensington Redevelopment Company (Schreiber Industrial Park)	25,000	4	4 Self Monitoring 1 Scheduled Monitoring 1 Unscheduled Monitoring	Quarterly (see Attach. 4 for self monitoring dates)	pH, CBOD, TSS, Oil and Grease, Arsenic Cadmium, Chromium, Copper, T. Cyanide Lead, Mercury, Nickel, T. Phenols, Silver Zinc, Hex. Chromium, Temperature

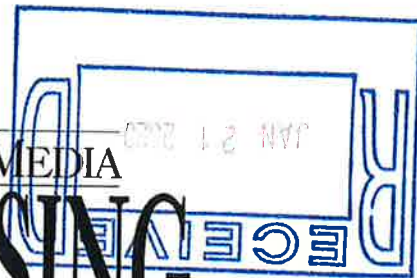
### Attachment 3 – Significant Noncompliance Newspaper Notice





# LEGAL ADVERTISING

TRIB TOTAL MEDIA



## Proof of Publication of Notice in The Valley News Dispatch

Under the Act of July 9, 1976, P.L. 877, No. 160

Commonwealth of Pennsylvania }  
County of Allegheny } SS:

Patty Klingensmith, Regional Multi-Media Advertising Manager of Trib Total Media, Inc., a corporation of the Commonwealth of Pennsylvania with place of business in Pittsburgh, Allegheny County, Pennsylvania, being duly sworn, deposes and says that the Tribune-Review is a daily newspaper in general circulation in Southwestern Pennsylvania. Said corporation was established in the year 1924. A copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the said daily newspaper on the following dates, viz:

LEGAL# 6747455, RE: KEYSTONE RUSTPROOFING, INC. / PRETREATMENT REGULATIONS NOTICE; 17<sup>TH</sup> DAY OF JANUARY, 2020.

Affiant further deposes that s/he is an officer duly Authorized by the Trib Total Media, Inc., publisher of the Tribune-Review, to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

*Patty Klingensmith*  
Regional Multi-Media Advertising Manager,  
Trib Total Media, Inc.

Sworn to and subscribed before me this  
17<sup>TH</sup> day of JANUARY, 2020

*JoAnn M. Callahan*  
Notary Public

### Statement of Advertising Costs

RHIANA ALLEN  
MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON  
120 LOGAN FERRY ROAD  
NEW KENSINGTON, PA 15068

To Trib Total Media, Inc..	
For Publishing the notice or advertisement attached	
hereto on the above stated dates	\$ 138.00
Probating Same	\$ 0
Total	\$ 138.00

### Publisher's Receipt for Adver

The Trib Total Media, Inc., publisher of the Valley News Dispatch, hereby acknowledges a receipt of the aforesaid advertising and publication charges fully paid.

Trib Total Media Inc., Publisher  
of the Tribune-Review, a Daily Newspaper.

By \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
JoAnn M. Callahan, Notary Public  
City of Greensburg, Westmoreland County  
My Commission Expires July 1, 2020  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

**LEGAL NOTICE**  
In accordance with The Environmental Protection Agency's General Pretreatment Regulations, section 403.8 (f) (2) (vii), the following Significant Industrial Users (SIUs) of the Municipal Sanitary Authority of the City of New Kensington (MSANK) Sewage Treatment Plant were in Significant Noncompliance (SNC) with applicable Pretreatment Requirements during 2019:  
Keystone Rustproofing, Inc.  
Arnold, PA  
The appropriate enforcement actions have been taken by the Municipal Sanitary Authority of the City of New Kensington in accordance with the Approved Pretreatment Program and Enforcement Response Plan.  
Municipal Sanitary Authority of the City of New Kensington  
George Adda  
MSANK Chairman  
1/15/20  
6747455(1-17-20)

er, hereby  
have been

## Attachment 4 – Testing and Inspection Records

IU TEST AND INSPECTION REPORT																	
#	USER	CLASS	PERMIT#	TTO	Mon.Fr.	JAN.	FEB.	MAR.	APRIL	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.
1	AVH-OCC	SMJ	#000020	*	3MO.			11-12T			17-18T			17-18T			17T
	MSANK			*	6MO.								13-14T			20-21T 19 IN	
2	Keystone	SMJ	#000040	*	2MO.		27-28T		29-30T		27-28T		19-30T		30-31T		26-27T
	MSANK (EL)	--	--	*	6MO.		5-28T	1-29T	1-30T	1-31T	3-28T	1-31T	1-13T			14 IN	
	Keystone(EL)												19-30T	3-30T	1-31T	1-30T	1-27T
3	Sch. Park	SMN	#000400	QTR	QTR.			14-15T		30-31T			14-15T				14-15T
	MSANK			*	6MO.								13-14T			12-13T 13 IN	
4	Smithfield	SMJ	#000050	NR	2WK.	2-31T	7-28T	7-28T	4-25T	3-31T	3-28T	1-31T	6-27T	3-24T	9-30T	6-26T	4-30T
	MSANK	--	--	NR	6MO.								6-7T		23-24T	14 IN	
5	Unifirst	SMJ	#000070	QTR	2WK.	3-31T	4-28T	5-26T	2-26T	1-30T	3-26T	1-26T	1-27T	4-24T	1-29T	6-26T	3-27T
	MSANK			*	6MO.							31T	1T		1-2T 1 IN		
						EL: Environmental Labs		T: Testing		S: Split Sample		IN: Inspection					

## Attachment 5 – Notices of Violation and Enforcement Actions

## Allegheny Valley Hospital – Outpatient Care Center

# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

IN THE MATTER OF

AVH - OCCUPATIONAL CARE CENTER  
651 Fourth Avenue  
New Kensington, PA 15068

\*  
\*  
\*  
\*  
\*

NOTICE OF VIOLATION  
ISSUANCE DATE:

March 29, 2019

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program AVH - Occupational Care Center was issued a discharge permit, Pretreatment Discharge Permit No. SMN-000020.
4. The discharge permit issued to AVH-Occupational Care Center contained numerical limits on the concentrations of pollutants, which could discharge and self-monitoring requirements.
5. The AVH-Occupational Care Center conducted a wastewater sample event on March 11-12, 2019 at AVH-OCC's two (2) discharge points. The following violations were found:
  - A. The Parking Lot Manhole sample indicated:

Pollutant:	Analytical Results	Permit Limit
Copper	0.845 mg/l mg/l	0.690 mg/l
  - B. Lead, Arsenic and Mercury were not tested at both the Parking Lot and the Dock sampling points. An additional test will be required at both sampling points for Lead, Arsenic and Mercury.

**NOTICE OF VIOLATION**

**NOTICE**

**THEREFORE, BASED ON THE ABOVE FINDINGS  
AVH-OCCUPATIONAL CARE CENTER IS HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, AVH-Occupational Care Center shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, AVH-Occupational Care Center shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed: \_\_\_\_\_

  
Joseph Ditty

Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

### IN THE MATTER OF

AVH-Outpatient Care Center  
c/o Alle-Kiski Medical Center  
651 Fourth Avenue  
New Kensington, PA 15068

\*  
\*

### NOTICE OF VIOLATION ISSUANCE DATE:

\*  
\*

February 27, 2020

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program AVH-Outpatient Care Center was issued a discharge permit, Pretreatment Discharge Permit No. SMN-000020.
4. The discharge permit issued to AVH-Outpatient Care Center contained numerical limits on the concentrations of pollutants which could be discharged and self-monitoring requirements.
5. The Fourth Quarter 2019 Self-Monitoring Report was due by January 28, 2020 but was received by the Municipal Sanitary Authority of the City of New Kensington on February 21, 2020 (18 days late).



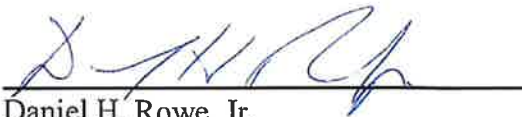
## NOTICE OF VIOLATION

### NOTICE

#### **THEREFORE, BASED ON THE ABOVE FINDINGS, AVH-OUTPATIENT CARE CENTER IS HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, AVH-Outpatient Care Center shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, AVH-Outpatient Care Center shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed: \_\_\_\_\_



Daniel H. Rowe, Jr.  
Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

# **THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**

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**120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289**

## **NOTICE OF VIOLATION**

**IN THE MATTER OF**

**AVH – OCCUPATIONAL CARE CENTER  
651 Fourth Avenue  
New Kensington, PA 15068**

\*  
\*  
\*  
\*  
\*

**NOTICE OF VIOLATION  
ISSUANCE DATE:**

**November 25, 2019**

## **LEGAL AUTHORITY**

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## **FINDINGS**


1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program AVH - Occupational Care Center was issued a discharge permit, Pretreatment Discharge Permit No. SMN-000020.
4. The discharge permit issued to AVH-Occupational Care Center contained numerical limits on the concentrations of pollutants, which could discharge and self-monitoring requirements.
5. The Third Quarter 2019 Self-Monitoring Report was due by October 28, 2019, but was received on November 21, 2019 (18 days late).

**NOTICE OF VIOLATION**

**NOTICE**

**THEREFORE, BASED ON THE ABOVE FINDINGS  
AVH-OCCUPATIONAL CARE CENTER IS HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, AVH-Occupational Care Center shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, AVH-Occupational Care Center shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed:   
Joseph Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068



**Allegheny Valley  
Hospital**

**Allegheny Valley Hospital**  
1301 Carlisle Street  
Natrona Heights, PA 15065-1152  
Tel 724 224-5100

**March 04, 2020**

Mr. Daniel H. Rowe, JR  
120 Logans Ferry Road  
New Kensington, Pa 15068

RE: Violation notice response

Mr. Rowe,

In response to the Notice of Violation dated February 27, 2020 for fourth quarter 2019 self- monitoring report being 18 days late.

Due to computer issues on both the Allegheny Valley and Microbac end we were not receiving the reports or invoices from Microbac. Per the attached documentation we have worked to correct on our end as well as verification of email addresses on the Microbac end of this. We will watch closely to make sure we receive the first quarter report without delay.

Thank You,

Sincerely,

Michael Gross  
Director of Facilities  
Allegheny Valley Hospital  
Allegheny Health Network

Keystone Rustproofing, Inc.

KLODOWSKI LAW LLC  
6400 BROOKTREE COURT, SUITE 250  
WEXFORD, PENNSYLVANIA 15090  
Klodowskilaw.com

Harry F. Klodowski, Jr.  
Email: [Harry@Klodowskilaw.com](mailto:Harry@Klodowskilaw.com)

Telephone: (724) 940-4000  
Facsimile: (724) 940-4048

January 4, 2019

***VIA Certified Mail***

Mr. Joe Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the City of New Kensington  
20 Logans Ferry Rd  
New Kensington, PA 15068

Re: Keystone Rustproofing Inc v. The Municipal Sanitary Authority of the City of  
New Kensington

Dear Mr. Ditty:

Enclosed is a copy of our Petition for Review of the December 2018 Penalty Assessments  
which has been filed in the Westmoreland County Court of Common Pleas.

Sincerely,



Harry Klodowski

Enclosures

cc: Larry Loperfito, Esq.  
P. Gunsallus  
L. Vogel

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

KEYSTONE RUSTPROOFING, INC.

Petitioner

vs.

THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON, PA

Respondent

NO.

TYPE OF PLEADING:

PETITION FOR REVIEW

FILED ON BEHALF OF:  
Keystone Rustproofing, Inc.  
Petitioner

COUNSEL FOR THIS PARTY:  
Harry Klodowski, Esquire  
PA Supreme Court ID #30569

KLODOWSKI LAW LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090

Telephone: (724) 940-4000  
Facsimile: (724) 940-4048

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW**

KEYSTONE RUSTPROOFING, INC.	)	
	)	
	)	
	)	NO.
vs.	)	
	)	
THE MUNICIPAL SANITARY AUTHORITY	)	
OF THE CITY OF NEW KENSINGTON, PA	)	

**PETITION FOR REVIEW OF PENALTY ASSESSMENT**

Pursuant to Pennsylvania Rules of Appellant Procedure 1502 and 1513, 2 Pa.C.S. § 702, and 42 Pa.C.S. § § 762 and 5105, and New Kensington Ordinance Chapter 169-16, Petitioner Keystone Rustproofing, Inc., by its undersigned attorney states the following:

1. Keystone Rustproofing (“Keystone”) is a metal finishing company located at 1901 Dr. Thomas Boulevard Arnold, Westmoreland County, Pennsylvania 15068.
2. Keystone has a Pretreatment Permit, No. SMJ-000040, (“the Permit”) from the Municipal Sanitary Authority of the City of New Kensington (“MSANK”) to discharge industrial waste into New Kensington’s Publicly Owned Treatment Works (“POTW”)
3. Keystone received their 2018 annual Permit in January 2018 (the “Permit”). Keystone has appealed the Permit in an action filed at Westmoreland County 479 of 2018.
4. Keystone received Notices of Violation (“NOVs”) from MSANK for alleged violations of its 2018 permit alleging Keystone has violated the effluent limits in the Permit. Keystone responded to the alleged violations and proposed penalty assessments in writing.
5. On December 7, 2018, Keystone received a copy of the MSANK Penalty Assessment letter dated November 20, 2018. The penalty covers alleged violations from February to



April 2018. The penalty was set at \$46,000.00. The first November 20 letter ("Penalty Assessment 1") is attached as Exhibit A.

6. On December 7, 2018, Keystone received a copy of the MSANK Penalty Assessment letter dated November 20, 2018. The penalty covers alleged violations from May to August 2017. The penalty was set at \$72,000.00. The second November 20 letter ("Penalty Assessment 2") is attached as Exhibit B.
7. The Penalty Assessment letters state that Keystone has the "right to appeal this Penalty within Thirty (30) Days from the date of receipt hereof to the Court of Common Pleas having Jurisdiction as is provided for under Section 7 (b) of The Publicly Owned Treatment Works Penalty Law, The Local Agency Law, 2 PA.C.S.A. § 101 Et. Seq., and Judicial Code, 42 PA. C.S.A. § 762."
8. The Penalties imposed are excessive because they rely on violation of Permit Limits as set in the 2018 Permit which are invalid, inter alia, because (1) the Permit sets daily maximum discharge limits lower than the monthly average limit for Copper, Nickel, Lead, Cadmium, and Cyanide; (2) monitoring is done every two months, so no monthly average can be calculated for any chemical; (3) local limits were not calculated as required by law; and (4) the permit limits for Keystone's waste water discharged to MSANK's POTW are lower than the amounts allowed in public drinking water for zinc, copper and cyanide.
9. Some parts of the Penalty Assessments are based on double or triple counting alleged violations from the same day of sampling, in violation of the Public Owned Treatment Works Penalty Law Act, 35 P.S. § 752.4(b), which provides:

"For the purposes of this action a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as

required by the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.)”

MSANK’s practice of assessing multiple penalties if there were multiple samples taken on the same day is an abuse of discretion and is contrary to law.

10. The Penalty Assessments are excessively high because MSANK counts both daily maximum and monthly average permit violations from the same sample on the same day. When MSANK sets the daily maximum permit limit below the monthly average limit, a violation of the daily maximum limit must violate the monthly average limit, but there is only one violation of a daily maximum limit under 35 P.S. § 752.4(b).
11. Keystone appeals the Penalty Assessments because the discharge limits set in the Permit are arbitrary, capricious, an abuse of discretion and contrary to legal authority.
12. The alleged violations described in the NOVs and the penalties imposed are incorrect, invalid, arbitrary, capricious an abuse of discretion, and beyond MSANK’s legal authority.
13. MSANK is required to consider the following factors in assessing a penalty: the nature, circumstances, extent and gravity of the violations, the culpability of the discharger, and other factors as justice may require. Section 169-44 of the Wastewater Pretreatment Standards Ordinance Chapter 169-16 of The City of New Kensington Code of Ordinances, July 5, 2007, amending New Kensington Ordinance 1-96 of September 10, 1996 and Ordinance 1-84 of July 10, 1984 (“New Kensington Ordinance”). *See also* Clean Streams Law 35 P.S. 691.605. MSANK incorrectly evaluated these penalty considerations as follows:

- a. MSANK has improperly counted multiple violations for samples on the same day, for example, for Zinc in March 2018, for Cyanide in May 2018, and Copper in July 2018.
- b. There are numerous examples of double counting and triple counting alleged violations in the penalty assessments.
- c. MSANK calculates both a daily maximum violation and a monthly average limitation violations, based on a single sample, so any violation of the daily maximum limit must also exceed the monthly average limit for Copper, Nickel, Lead, Cyanide, and Cadmium because the “maximum” limit is set below the “average” limit, thereby inflating the number of alleged violations double counting violations from the same conduct and therefore inflating the penalty amount.
- d. When MSANK sets daily maximum limits below monthly average limits, an exceedance of the daily limit must be above the monthly limit, but there is only still only one violation—the limiting factor is the daily maximum violation, and MSANK cannot count both a daily and a monthly violation exaggerating the claimed number of violations. There are no violations of monthly average limits as assumed by MSANK in most of its penalty calculations when the daily maximum is set below the monthly average.
- e. MSANK incorrectly calculated violations for cyanide, and therefore calculated the penalties improperly. For the alleged cyanide violations, MSANK has not taken the required samples following proper protocol and is claiming violations if any of the four required samples is above the limit. The permit provides the average of 4 grab samples will be used to determine compliance for cyanide.

- f. MSANK incorrectly found violations for Zinc in March 2018, because if the amount of Zinc entering the plant in the public water supply is subtracted from the amount of Zinc discharged to MSANK, the Zinc discharge meets permit limits.
- g. The gravity of the alleged discharge violations is low. MSANK is not violating any limit in its discharge permit to the Allegheny River due to Keystone's discharges to MSANK's treatment plant.
- h. The gravity of the violations is low because Keystone has not caused environmental damage to the Allegheny River, the natural environment, or human health or welfare.
- i. It is irrational for MSANK to set limits for water entering the MSANK treatment plant that are lower than the federal drinking water standards for zinc, copper and cyanide.
- j. The Keystone discharge does not interfere with operation of the MSANK treatment plant, or prevent MSANK from meeting MSANK's permit limits.
- k. There is no cost of restoration or abatement of any harm to MSANK's collection system or treatment plant resulting from Keystone's discharge.
- l. MSANK's penalty calculations rely on a formula increasing the penalty depending on the number of the exceedances and the amount the sample exceeds the permit limits. The calculations rely on an inflated number of alleged violations, and arrive at an excessive penalty.
- m. MSANK erred in overcounting the number of violations penalties to be in "Significant Noncompliance" or "TRC" violations.
- n. MSANK's Minimum Fine "guidance" is arbitrary and contrary to law and results in the calculation of excessive penalties.

- o. On information and belief, MSANK has typically fined Keystone for the “deterrence of future violations.” MSANK has no basis to conclude this element of the penalty is necessary to deter future violations.
- p. On information and belief, MSANK has an enforcement policy, Minimum Fine Schedule, and selects penalties from a range in these policies. MSANK typically for “History Of Past Violations.” This penalty assessment is not related to the alleged violations at issue, is excessive and duplicates other elements of the penalty calculation, in part because the number of violations has been overstated as discussed herein.
- q. MSANK’s practice of increasing penalty assessments for alleged repeat violations under the Technical Review Criteria (“TRC”) and Significant Non Compliance (“SNC”) doctrines is not applicable or reasonable, and results in the calculation of excessive penalties.
- r. MSANK fines Keystone for deterrence, but MSANK has no facts justifying an additional fine for deterrence is necessary.
- s. Keystone has made a good faith effort to build and operate a treatment plant that meets MSANK’s unusually low permit limits. Keystone has continuously attempted to improve the discharge by a series of improvements to the treatment process. Keystone has not delayed or avoided any expenditures for the violations at issue, and has not realized any economic benefit of noncompliance.
- t. Keystone is a small business and a penalty of this size will have an impact on the business. Keystone requests that the penalty be reduced to consider the lack of harm from the violations and Keystone’s continuing efforts to improve the quality of the discharge.

WHEREFORE, Keystone Rustproofing requests this Honorable Court to: (a) schedule a hearing on Keystone's appeal of the penalty; (b) set daily maximum limits above monthly average limits; (c) set a lower penalty following the statutory penalty factors and the testimony at Hearing; or (d) remand the matter to Respondent with instructions on how to revise the penalty.



Attorney For Petitioner

Harry F. Klodowski, Esq.  
PA ID 30569

Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
724-940-4000

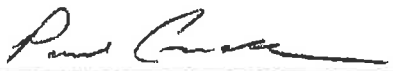
Attorney For Petitioner  
Keystone Rustproofing, Inc.

[harry@klodowskilaw.com](mailto:harry@klodowskilaw.com)

**VERIFICATION**

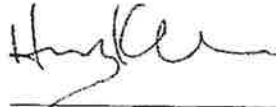
I, Paul Gunsallus, President of Keystone Rustproofing, Inc., verify that the statements of fact made herein are true and correct to the best of my knowledge or information and belief, and are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: 1/4/2019

  
\_\_\_\_\_  
Paul Gunsallus

**NOTICE TO PLEAD**

TO: Municipal Sewage Authority of New Kensington: You are hereby notified to file a written response to the enclosed Petition within twenty (20) days from service hereof or a judgment may be entered against you.

A handwritten signature in dark ink, appearing to read 'H. Klodowski', written over a horizontal line.

Harry F. Klodowski, Esq.



Recd 12/7/18

**THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON**

120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

**Priority Mail**

Keystone Rustproofing, Inc.  
Paul Gunsallus  
1901 Dr. Thomas Boulevard  
Arnold, PA. 15068

November 20, 2018

**Re: Penalty Notification**

Pretreatment Permit No. SMJ-000040

Mr. Gunsallus:

This letter serves notice that Keystone Rustproofing, Inc. is being assessed a Penalty Pursuant to the Industrial Pretreatment Resolution. The Industrial Pretreatment Resolution as adopted by the Municipal Sanitary Authority of the City Of New Kensington, requires The Municipal Sanitary Authority of The City of New Kensington to enforce Civil Penalties for any violations of the Industrial Pretreatment Program. This penalty is due to:

1. Nickel and Total Cyanide (SNC) Fine Limit Exceedences on February 27-28, 2018.
2. Nickel (SNC) and Zinc Fine Limit Exceedences on March 26-27, 2018.
3. Zinc Average Fine Limit Exceedence for March 1-31, 2018
4. Nickel SNC Fine Limit Exceedence on April 26-27, 2018.

This Penalty has been established in accordance with the Publicly Owned Treatment Works Penalty Law Act No.9 of 1992, 35 P.S. Section 752.1 ET. SEQ. and Federal Regulations 40 CFR Section 403.8 (f) (2) (vii). The Total Penalty Amount is \$46,000.00 as shown in the MSANK Pretreatment Minimum Fine Schedule Minimum that is attached.

Users have the right to appeal this Penalty within Thirty (30) Days from the date of receipt hereof to the Court of Common Pleas having Jurisdiction as is provided for under Section 7 (b) of The Publicly Owned Treatment Works Penalty Law, The Local Agency Law, 2 P.A.C.S.A. 101 ET. SEQ., and Judicial Code, 42 P.A.C.S.A. §762.

Questions can be addressed to my attention at the above address and phone number.

Sincerely,

The Municipal Sanitary Authority  
of The City of New Kensington, PA

*Joseph P. Dilly*  
Joseph P. Dilly  
Pretreatment Coordinator

Enclosures: Minimum Fine Schedule  
Cc: Mott Macdonald, Solicitor, File



Significant Industrial User: Keystone Rustproofing, Arnold, Pa.  
 Parameter Violation: Exceedance of Local and/or Federal Pretreatment

[illegible]

- (A) A fine shall be imposed on any parameter which meets the criteria for significant noncompliance (SNC) per 40 CFR 403.8(f)(2)(viii). An industrial user is in SNC if its violation meets one or more of these criteria, among others listed in 40 CFR 403.8:
- A. Chronic violation of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(i).
  - B. Technical Review Criteria (TRC) violations, defined as those in which thirty three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, defined by 40 CFR 403.3(i) multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, Oil and Grease and 1.2 for all other parameters except pH)
  - C. Any other violation of a Pretreatment standard or requirement as defined by 40 CFR 403.3(i) (daily maximum, long term average, instantaneous limit, or narrative standard); that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
  - D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403 to halt or prevent such a discharge;
  - E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction completing construction or attaining final compliance.
  - F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules.
  - G. Failure to accurately report noncompliance.
  - H. Any other violation, or group of violations which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

Recd 12/7/18

**THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON**

120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

**Priority Mail**

Keystone Rustproofing, Inc.  
Paul Gunsallus  
1901 Dr. Thomas Boulevard  
Arnold, PA. 15068

November 20, 2018

Re: **Penalty Notification**

Pretreatment Permit No. SMJ-000040

Mr. Gunsallus:

This letter serves notice that Keystone Rustproofing, Inc. is being assessed a Penalty Pursuant to the Industrial Pretreatment Resolution. The Industrial Pretreatment Resolution as adopted by the Municipal Sanitary Authority of the City Of New Kensington, requires The Municipal Sanitary Authority of The City of New Kensington to enforce Civil Penalties for any violations of the Industrial Pretreatment Program. This penalty is due to:

1. Copper, Nickel and Total Cyanide (SNC) Fine Limit Exceedences on May 30-31, 2018.
2. Total Cyanide Average (SNC) Fine Limit Exceedence for May 1-31, 2018
3. Copper and Nickel (SNC) Fine Limit Exceedences on July 30-31, 2018.
4. Copper Average (SNC) Fine Limit Exceedence for July 1-31, 2018
5. Total Cyanide (SNC) Fine Limit Exceedence for August 30-31, 2018.

This Penalty has been established in accordance with the Publicly Owned Treatment Works Penalty Law Act No.9 of 1992, 35 P.S. Section 752.1 ET. SEQ. and Federal Regulations 40 CFR Section 403.8 (f) (2) (vii). The Total Penalty Amount is \$72,000.00 as shown in the MSANK Pretreatment Minimum Fine Schedule Minimum that is attached.

Users have the right to appeal this Penalty within Thirty (30) Days from the date of receipt hereof to the Court of Common Pleas having Jurisdiction as is provided for under Section 7 (b) of The Publicly Owned Treatment Works Penalty Law, The Local Agency Law, 2 PA.C.S.A. 101 ET. SEQ., and Judicial Code, 42 PA. C.S.A. §762.

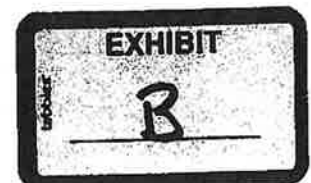
Questions can be addressed to my attention at the above address and phone number.

Sincerely,

The Municipal Sanitary Authority  
of The City of New Kensington, PA

*Joseph F. Ditty*  
Joseph F. Ditty  
Pretreatment Coordinator

Enclosures: Minimum Fine Schedule  
Cc: Mott Macdonald, Solicitor, File



Significant Industrial User: Keystone Rustproofing, Arnold, Pa.  
 Parameter Violation: Exceedance of Local and/or Federal Pretreatment Standards

[illegible]

(A) A fine shall be imposed on any parameter which meets the criteria for significant noncompliance (SNC) per 40 CFR 403.8(f)(2)(viii).

An industrial user is in SNC if its violation meets one or more of these criteria, among others listed in 40 CFR 403.8:

A. Chronic violation of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements

taken during a six month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).

B. Technical Review Criteria (TRC) violations, defined as those in which thirty three percent (33%) or more of all of the measurements taken

for the same pollutant parameter during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits,

defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, Oil and Grease and 1.2 for all other parameters except pH)

C. Any other violation of a Pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long term average, instantaneous limit, or narrative standard;

that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403 to halt or prevent such a discharge;

E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction or attaining final compliance.

F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance.

H. Any other violation, or group of violations which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW**

KEYSTONE RUSTPROOFING, INC.	)	
	)	
	)	
	)	NO.
vs.	)	
	)	
THE MUNICIPAL SANITARY AUTHORITY	)	
OF THE CITY OF NEW KENSINGTON, PA	)	

**PROPOSED ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2019, upon consideration of the foregoing Petition for Appeal from the Municipal Sanitary Authority of the City of New Kensington ("MSANK"), a Penalty Assessment and on the motion of Keystone, a hearing de novo is granted to determine whether the penalty should be vacated and determine the amount of the appropriate penalty.

BY THE COURT

\_\_\_\_\_. J.

**CONFIDENTIALITY STATEMENT**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Harry Klodowski, Esquire

Signature: \_\_\_\_\_



Name: Harry Klodowski, Esquire

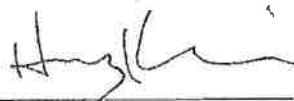
Attorney No.: 30569



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the attached Petition has been served upon the Municipal Sanitary Authority of the City of New Kensington by certified mail, this 4th day of January, 2019, at the below address:

Joe Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the City of New Kensington  
20 Logans Ferry Rd, New Kensington, PA 15068



Attorney For Petitioner  
Harry F. Klodowski, Esq.  
PA ID 30569  
Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
724-940-4000  
[harry@klodowskilaw.com](mailto:harry@klodowskilaw.com)

KLODOWSKI LAW LLC  
6400 BROOKTREE COURT, SUITE 250  
WEXFORD, PENNSYLVANIA 15090  
Klodowskilaw.com

Harry F. Klodowski, Jr.  
Email: [Harry@Klodowskilaw.com](mailto:Harry@Klodowskilaw.com)

Telephone: (724) 940-4000  
Facsimile: (724) 940-4048

January 11, 2019

Larry Loperfido, Esquire  
Geary & Loperfido  
159 Lincoln Avenue  
Vandergrift, PA 15690

By Mail and email

Re: Keystone Rustproofing Inc. v. MSANK  
Westmoreland County No. 479 of 2018

Dear Mr. Loperfido:

Enclosed is a copy of Petitioner's Answer to Request for Production of Documents.

Kindly contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'H. Klodowski', written over a horizontal line.

Harry Klodowski

Enclosure

cc: P. Gunsallus  
L. Vogel

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

**KEYSTONE RUSTPROOFING, INC.**

**Petitioner**

**vs.**

**THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON, PA**

**Respondent**

) **NO. 479 of 2018**  
)  
) **TYPE OF PLEADING:**  
)  
) **PETITIONER'S ANSWER TO**  
) **REQUEST FOR PRODUCTION**  
) **OF DOCUMENTS**  
)  
) **FILED ON BEHALF OF:**  
) **KEYSTONE RUSTPROOFING, INC.**  
) **PETITIONER**  
)  
) **Harry Klodowski, Esquire**  
) **Pa ID #30569**  
)  
) **Klodowski Law LLC**  
) **6400 Brooktree Court, Suite 250**  
) **Wexford, PA 15090**  
)  
) **Phone: 724-940-4000**  
) **Fax: 724-940-4048**

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

KEYSTONE RUSTPROOFING, INC.	)	
	)	
Petitioner	)	
	)	
vs.	)	<b>NO. 479 of 2018</b>
	)	
THE MUNICIPAL SANITARY AUTHORITY	)	
OF THE CITY OF NEW KENSINGTON, PA	)	
	)	
Respondent	)	

**PETITIONER'S ANSWER TO REQUEST FOR PRODUCTION OF DOCUMENTS**

AND NOW, comes Petitioner, the Keystone Rustproofing, Inc., by and through its attorney, Harry Klodowski, Esquire and makes this Answer and Objections to Respondent's Request for Production of Documents as follows:

**GENERAL OBJECTIONS**

The following General Objections apply to Respondent's Request For Production of Documents and are incorporated by reference into the answers contained herein. The assertion of the same, similar or additional objections, or the provision of partial answers in response to Respondent's particular Requests, does not waive any of Petitioner's General Objections as set forth below.

1. Petitioner objects to the Requests to the extent they seek information that is not relevant to the subject matter of this litigation and/or is not reasonably expected to yield information relevant to the allegations of the Petition, to the proposed relief, or to the defenses of any party.

2. Petitioner objects to the Requests to the extent they are overbroad, unduly burdensome, oppressive or require unreasonable efforts or expense on behalf of Plaintiff.

3. Plaintiff objects to the Requests to the extent they are vague, or ambiguous.
4. Plaintiff objects to the Requests to the extent the discovery sought is unreasonably cumulative or duplicative, asks for documents generated by Respondents, or is in possession of Respondent.
5. Plaintiff objects to the Requests to the extent they seek trade secret, proprietary, confidential, financial or commercially sensitive information, the disclosure of which could negatively impact Plaintiff's competitive or business position.
6. The following answers are based on Plaintiff's current knowledge. Additional information may be in documents that Plaintiff has not yet reviewed or received, or with witnesses Plaintiff has not yet interviewed and/or deposed. Plaintiff reserves the right to supplement its answers up to and through any trial in this matter.
7. Documents produced and identified in response to one Interrogatory or Request may also be responsive to another Interrogatory or Request.
8. Keystone objects to the Requests to the extent that they are duplicative, unreasonably burdensome, expensive, harassing and unlikely to result in the production of relevant information or admissible evidence.
9. Keystone objects to the certain Requests on the grounds that some documentation sought by Respondent is more likely to be in the possession and control of the Respondent than Petitioner, and would be unduly burdensome for Petitioner to produce.

Subject to and without waiving these General Objections, or any other objection or claim of privilege, Petitioner hereby answers and objects to Respondent's Requests as follows.

#### **SPECIFIC RESPONSES**

1. Please provide any and all documentation pertaining to Keystone Rustproofing, Inc.'s transport of wastewater to its disposal facility.

**RESPONSE:** Petitioner objects to this Request as being overly broad and unduly burdensome. Petitioner cannot determine what documents are requested, or the time period for the request. Petitioner further objects to this Request as seeking information not reasonably calculated to leave to the discovery of admissible evidence and is privileged and propriety information. Without waiving the foregoing objections and the General Objections, Petitioner responds that it will make documents for 2011 to 2018 on disposal of waste waters available for inspection.

2. Provide any and all correspondence between Keystone Rustproofing, Inc. and the United States Environmental Protection Agency including but not limited to correspondence regarding the 2012 Headworks Analysis.

**RESPONSE:** Petitioner has not yet identified any responsive documents.

3. Provide any and all correspondence between Keystone Rustproofing, Inc. and the Municipal Sanitary Authority of New Kensington including but not limited to correspondence regarding the 2005 Headworks Analysis.

**RESPONSE:** The Responsive document identified so far is a letter from B. Shoener to a Mr. Lovell, and is attached. The date of the letter is approximately March 2006.

4. Provide any and all correspondence between Keystone Rustproofing, Inc. and the Municipal Sanitary Authority of New Kensington including but not limited to the correspondence regarding the 2012 Headworks Analysis.

**RESPONSE:** Petitioner objects to the Request as overbroad and burdensome. Respondent already has correspondence with Petitioner.

5. Provide any and all documentation of all raw materials used by Keystone Rustproofing, Inc. for the years:

- a. 2005;
- b. 2006;

- c. 2007;
- d. 2008;
- e. 2009;
- f. 2010;
- g. 2011;
- h. 2012;
- i. 2013;
- j. 2014;
- k. 2015;
- l. 2016;
- m. 2017; and
- n. 2018.

**RESPONSE:** Petitioner objects to this Request as being overly broad and unduly burdensome. Petitioner cannot determine what documents are requested because it does not define “raw materials”. The time period for the request is overbroad and burdensome. Petitioner further objects to this Request as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving objections, Petitioner will make what it believes are responsive documents from 2011 through 2018 available for inspection.

6. Provide copies of all receipts and documentation to support the purchases of such raw materials in the form of receipts, purchase orders or otherwise.

**RESPONSE:** Petitioner objects to this Request as being overly broad and unduly burdensome. Petitioner cannot determine what documents are requested. The time period for the request is overbroad and burdensome. Petitioner further objects to this Request as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections and the General Objections, Petitioner responds that it will make what it believes are responsive documents for the years 2011 through 2018 available for inspection.

7. Provide any and all documentation pertaining to all chemicals, and the quantities thereof, used at Keystone Rustproofing, Inc. for the years:

- a. 2005;

- b. 2006;
- c. 2007;
- d. 2008;
- e. 2009;
- f. 2010;
- g. 2011;
- h. 2012;
- i. 2013;
- j. 2014;
- k. 2015;
- l. 2016;
- m. 2017; and
- n. 2018.

**RESPONSE:** Petitioner objects to this Request as being overly broad and unduly burdensome. Petitioner cannot determine what documents are requested. The time period for the request is overbroad and burdensome. Petitioner further objects to this Request as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving objections, Petitioner will make what it believes are responsive documents from 2011 through 2018 available for inspection.

8. Provide any and all documentation pertaining to landfill analyses and corresponding receipts of hauling including but not limited to tonnage and destination of hauling for the following years:

- a. 2005;
- b. 2006;
- c. 2007;
- d. 2008;
- e. 2009;
- f. 2010;
- g. 2011;
- h. 2012;
- i. 2013;
- j. 2014;
- k. 2015;
- l. 2016;
- m. 2017; and
- n. 2018.

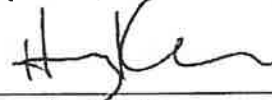


**RESPONSE:** Petitioner objects to this Request as being overly broad and unduly burdensome. Petitioner cannot determine what documents are requested or what material is covered in this Request. Petitioner further objects to the Request as it could apply to plant trash not relevant to water discharges. The time period for the request is overbroad and burdensome. Petitioner further objects to this Request as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving objections, Petitioner will make what it believes are responsive documents from 2011 through 2018 available for inspection.

9. Any and all documentation pertaining to the amount of sludge that has been removed and transported from Keystone Rustproofing, Inc. on an annual basis from 2010 to present.

**RESPONSE:** Without waiving Objections, Petitioner will produce responsive documents.

Respectfully Submitted.



---

Harry Klodowski, Esquire  
Pa ID: 30569  
Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
Phone: 724-940-4000  
Fax: 724-940-4048  
[Harry@Klodowskilaw.com](mailto:Harry@Klodowskilaw.com)

Counsel for Petitioner  
Keystone Rustproofing, Inc.

Environmental Protection Agency Region III  
Office of Municipal Assistance (3WP24)  
1650 Arch Street  
Philadelphia, PA 19103-2029

NPDES No. PA0027111  
Public Notice Number: PA-299 JML

Dear Mr. Lovell,

The following comments are submitted by N.A. Water Systems on the behalf of Keystone Rustproofing. These comments are offered in regards to the modifications of the pretreatment program for the Municipal Sanitary Authority of the City of New Kensington (MSANK), 120 Logans Ferry Road, New Kensington, Pennsylvania 15068-2046. Keystone Rustproofing is an industrial user within the MSANK jurisdiction.

1. In the Attachments included with the March 2005 submittal to the EPA, the activated sludge inhibition criteria for silver is stated as 0.25 mg/L. This value is not included in Appendix G of the July 2004 EPA document titled *Local Limits Development Guidance Appendices*. All the other inhibition values listed come from Appendix G. The inhibition value for silver ends up being the controlling factor when calculating the local limit for silver. The silver inhibition value used appears to come from a source other than the EPA document. We are requesting to know the source of the silver inhibition value. There may be a need for the silver local limit to be re-evaluated.
2. The March 2005 submittal to the EPA indicates the desire for the Authority to adopt three sets of local limits based on 1) no sludge criteria, 2) non-exceptional quality sludge criteria, and 3) exceptional sludge criteria. The sludge criteria is the controlling factor for determining the local limits for arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc. The local limits for arsenic, cadmium, copper, lead, nickel and zinc decreased significantly from the previously approved local limits. Below is a table comparing the current sludge concentrations in the MSANK treatment plant sludge sampled for the local limits evaluation and the corresponding Federal exceptional quality sludge criteria:

Pollutant	Average MSANK Sludge Concentration	Federal Exceptional Sludge Quality
-----------	---------------------------------------	---------------------------------------

	(mg/kg)	Criteria (mg/kg)
Arsenic	4.34	41
Cadmium	14.1	39
Copper	858	1500
Lead	203	300
Mercury	1.60	17
Molybdenum	15.3	75
Nickel	193	420
Selenium	5.29	100
Zinc	2,780	2,800

As the table above shows, the current sludge concentrations at the plant, based on the previously approved local limits, are below the Federal exceptional quality sludge criteria. The previously approved local limits (pre-2006) are already protective of the Authority's desire to produce exceptional quality sludge in the future.

Additionally, the proposed local limits for cadmium, copper, lead, nickel, silver, zinc and total cyanide are below the corresponding monthly average limits for the 40 CFR 433 Metal Finishing New Source category. The March 2005 submittal to the EPA is proposing the following local limits for cadmium, copper, lead, nickel, silver, zinc and total cyanide.

Pollutant	Pre-2006 Local Limits (mg/L)	Local Limits Requested for 2008-2015 (mg/L)	40 CFR 433 - PSNS Monthly Average Limit (mg/l)
Cadmium	0.2	0.028	0.07
Copper	3.4	0.6	2.07
Lead	2.31	0.16	0.43
Nickel	1.68	0.454	2.38
Silver	1.38	0.56	0.24
Zinc	34.7	1.56	1.48
Cyanide (Total)	0.15	0.15	0.65

According to Page 6-13 of the July 2004 EPA document titled *Local Limits Development Guidance*, local limits should pass a "common sense test". One of the tests is "Are the limits technologically achievable?" This test asks if industrial users are likely to meet the proposed local limits with currently available forms of pretreatment and pollution prevention? The 40 CFR 433 limitations are based upon the Best Available Technology (BAT) economically achievable for the metal finishing industry. It should be noted that Keystone Rustproofing is categorized as a 40 CFR 413 Electroplater with a flow greater than 10,000 gallons per day. The 40 CFR 433 discharge limitations and BAT requirements are more stringent than the 40 CFR 413 discharge limitations and BAT requirements.

The fact that the proposed local limits are below what the EPA has deemed "technologically and economically achievable" under 40 CFR 433 is an indication that industrial users are not likely to meet the proposed local limits. As a result, the proposed local limits for cadmium, copper, lead, nickel, silver, zinc and total cyanide do not meet the test of being technologically achievable.

We are requesting that the proposed local limits for arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium and zinc be re-evaluated since the pre-2006 local limits for these constituents are leading to existing MSANK sludge concentrations below the Federal exceptional quality sludge criteria. The proposed local limits for cadmium, copper, lead, nickel, silver, zinc, and total cyanide should also be re-evaluated since the proposed limits for these constituents may not be technologically achievable.

If you have any questions or comments concerning the contents of this letter, please contact Brian Shoener of N.A. Water Systems at (734) 973-0700.

Respectfully submitted,

Brian G. Shoener, P.E.  
Project Manager  
N.A. Water Systems

cc: Joseph Ditty (MSANK)  
Carl Bender (N.A. WS)

**VERIFICATION**

I, Paul Gunsallus, President of Keystone Rustproofing, Inc., verify that the statements of fact made herein are true and correct to the best of my knowledge or information and belief, and are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: 1/11/2019

  
Paul Gunsallus

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the attached document has been served upon the Municipal Sanitary Authority of the City of New Kensington by first class mail postage paid, this 11th day of January, 2019, at the below address:

Larry Loperfido, Esquire  
Geary & Loperfido  
159 Lincoln Avenue  
Vandergrift, PA 15690



Attorney For Petitioner  
Harry F. Klodowski, Esq.  
PA ID 30569  
Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
724-940-4000  
[harry@klodowskilaw.com](mailto:harry@klodowskilaw.com)

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA  
CIVIL DIVISION

KEYSTONE RUSTPROOFING, INC.,

Plaintiff,

v.

THE MUNICIPAL SANITARY  
AUTHORITY OF THE CITY OF NEW  
KENSINGTON, PA,

Defendant.

NOTICE TO PLEAD

TO PETITIONER YOU ARE HEREBY  
NOTIFIED TO FILE A WRITTEN  
RESPONSE TO THE WITHIN  
PRELIMINARY OBJECTIONS TO  
PETITIONER'S PETITION FOR REVIEW  
OF PENALTY ASSESSMENT WITHIN  
TWENTY (20) FROM THE SERVICE  
HEREOF OR A JUDGMENT MAY BE  
ENTERED AGAINST YOU.



Alaine G. Generelli, Esquire,  
Larry D. Loperfido, Esquire

Attorneys for Respondent.

NO: 87 of 2019

TYPE OF PLEADING:  
RESPONDENT'S PRELIMINARY  
OBJECTIONS TO PETITIONER'S  
PETITION FOR REVIEW OF  
PENALTY ASSESSMENT

FILED ON BEHALF OF:  
THE MUNICIPAL SANITARY  
AUTHORITY OF THE CITY OF NEW  
KENSINGTON, PA,  
Defendant.

COUNSEL FOR THIS PARTY:  
LARRY D. LOPERFIDO, ESQUIRE  
PA Supreme Court ID # 55841

ALAINE G. GENERELLI, ESQUIRE  
PA Supreme Court ID # 307603

GEARY AND LOPERFIDO, LLC  
159 Lincoln Avenue  
Vandergrift, PA 15690

Telephone: (724) 568-3694  
Facsimile: (724) 568-2500

FILED IN  
PROTHONOTARY'S OFFICE

JAN 24 2019

BY: \_\_\_\_\_

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CLERK

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA  
CIVIL DIVISION

KEYSTONE RUSTPROOFING, INC.,

Petitioner,

vs.

THE MUNICIPAL SANITARY  
AUTHORITY OF CITY OF NEW  
KENSINGTON, PA,

Respondent.

CASE NO: 87 of 2019

RESPONDENT'S PRELIMINARY OBJECTIONS TO PETITION FOR REVIEW OF  
PENALTY ASSESSMENT

AND NOW, comes the Respondent, THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON, by and through its Solicitors, ALAINE G. GENERELLI, ESQUIRE, LARRY D. LOPERFITO, ESQUIRE and the law office of GEARY AND LOPERFITO, LLC, and brings this Respondent's Preliminary Objections to Petition for Review of Penalty Assessment, and in support thereof avers the following:

1. The Petitioner herein is KEYSTONE RUSTPROOFING, INC., (hereinafter referred to as "Keystone" or "Petitioner") a Pennsylvania corporation with a registered business address of 7424 Tioga Street, Pittsburgh, Pennsylvania and 1901 Dr. Thomas Boulevard, Arnold, Pennsylvania 15068.
2. The Respondent herein is THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON, (hereinafter referred to as "MSANK" or "Respondent") with a business address of 120 Logans Ferry Road, New Kensington, Pennsylvania 15068.
3. MSANK is a publicly owned treatment works authority, for the treatment of sewage under and through laws and rules promulgated by the United States Congress and administered through



the United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection.

4. Keystone is an industrial discharger which is within the service area of MSANK, for purposes of sewage treatment and is subject to licensing, referred to as annual permitting requirements, pursuant to EPA requirements.

5. MSANK is responsible for maintaining and enforcing certain standards put in place by the EPA and the Clean Water Act which said standards form the basis for all annual permitting and limit discharges of industrial sewerage in the MSANK sewer district.

6. Keystone, as an industrial discharger, is subject to annual permitting to ensure that all discharges to meet the Federally established limits.

7. The EPA approved, and mandated limits, must be met by the discharger (Keystone) through pollution prevention techniques, treatment of wastewater, private treatment, batch processing, or other methods which may limit, control the or halt the discharge to the public sewerage treatment facility.

8. On January 2, 2018, MSANK provided Keystone with the 2018 Pretreatment Permit.

9. The limits as set forth in the 2018 Pretreatment Permit for Keystone were previously established and approved through the EPA in or about 2012; Keystone's Pretreatment Permit has remained the same since the issuance of the first annual permit, and which said limits have been the standard followed and accepted by Keystone for at least the past five (5) calendar years and into calendar year 2019.

10. Keystone filed a Petition for Review of Pretreatment Permit with the Court of Common Pleas of Westmoreland County, Pennsylvania, at Case Number 479 of 2018, on February 2, 2018.

11. Keystone's Petition for Review of Pretreatment Permit is pending with the court and has not been the subject of final adjudication.

12. Since that date, Keystone has continued to discharge to MSANK which has resulted in violations of the Permit granted to Keystone in January 2018.

13. Subsequently, MSANK served Keystone with two (2) separate notices of violations, both dated November 20, 2018, for separate time periods and due to separate violations of the EPA mandated discharge limits.

14. Keystone has filed a Petition for Review of Penalty Assessment only of the November 20<sup>th</sup> Penalty Assessments. See a copy of the Petition for Review of Penalty Assessment attached hereto and marked as Exhibit "A."

I. PRELIMINARY OBJECTION PURSUANT TO 1028 (a)(6):  
PENDENCY OF A PRIOR ACTION

15. Paragraphs (1) through fourteen (14) are hereby incorporated by reference as though set forth at length.

16. Pennsylvania Rule of Civil Procedure 1028 (a)(6) allows a party to raise preliminary objections based on "pendency of a prior action or agreement for alternative dispute resolution." See *Penox Techs., Inc. v. Foster Med. Group*, 376 Pa. Super. 450, 453 (1988).

17. This is for the protection of a "defendant from harassment by having to defend several suits on the same cause of action at the same time." *Id.*, at 546.

18. The analysis is "purely a question of law determinable from an inspection of the pleadings." *Davis Cookie Co. v. Wasley*, 389 Pa. Super. 112, 121 (1989), quoting *Hessenbruch v. Markle*, 194 Pa. 581, 592 (1900).

19. "[T]he objecting party must demonstrate to the court that in each case the parties are the same, and the rights asserted and the relief prayed for are the same. *Virginia Mansions Condominium Ass'n v. Lampl*, 380 Pa. Super. 452, 456 (1988).

20. The parties, Keystone and MSANK, are currently involved in a pending action in this Court, as previously stated, filed at Case Number 479 of 2018, the subject of which is a Petition for Review of Pretreatment Permit.

21. The Petition for Review of Pretreatment Permit was filed by Keystone against MSANK and involves the Pretreatment Permit and Permit limits.

22. Respondent's current pleading is identified as a Petition for Review of Penalty Assessment only.

23. The Petition, to review a penalty assessment accepts as true the existing permit limits and challenges only the penalties imposed.

24. Within its Petition for Review at Case Number 479 of 2018, Keystone makes a similar if not the same legal argument with regard to the discharge limits set forth in the MSANK Pretreatment Permit and its prayer for relief specifically requests this Court to: (a) vacate the permit limits; (b) direct MSANK to set permit limits with following (sic) C.F.R. Section 413.15; (c) remand the Permit to MSANK with instructions to set daily maximum limits above monthly average limits; and such further relief as the Court deems appropriate." See a copy of the Petition for Review of Pretreatment Permit attached hereto and marked as Exhibit "B."

25. MSANK believes and therefore avers that the prayer for relief, previously requested and currently pending, is substantially similar to that raised in the current matter and is inappropriate and attempts to cause the penalty assessment review to become a review of permit limits which matter is currently pending and therefore the instant matter must be dismissed pursuant to Pa.R.C.P. 1028 (a) (6) relating to pendency of a prior action.

26. In addition, the relief requested at this time, is strongly dependent upon the outcome of the prior pending litigation, as the result of the challenge to the underlying Pretreatment Permit is paramount in a determination of the notices of violations which led to the penalties which are the subject of the Petition for Review of Penalty Assessment currently raised by Keystone.

27. It is believed and therefore averred that to continue with two separate, ongoing matters before this Court on the issue of Keystone's Pretreatment Permit and violations thereof would create a duplication of effort on the part of the parties and a waste of judicial resources.

WHEREFORE, MSANK respectfully requests that this Honorable Court SUSTAIN its preliminary objection pursuant to Pa.R.C.P. 1028 (a)(6) and enter an Order DISMISSING the Petitioner's action OR in the alternative STRIKING any part or portion in violation of Pa.R.C.P. 1028 (a)(6) and STAYING any matter relating to the penalties assessed.

## II. PRELIMINARY OBJECTION PURSUANT TO 1028 (a)(4): DEMURRER

28. Paragraphs one (1) through twenty-seven (27) are hereby incorporated herein as though set forth at length.

29. Pennsylvania Rules of Civil Procedure 1028 (a)(4) authorizes a party to raise a preliminary objection on the basis of demurrer, or legal insufficiency.

30. When considering a preliminary objection on the basis of demurrer, the "court accepts as true all well-pled material facts set forth in the complaint along with all reasonably deducible inferences from those facts... Preliminary objections will be sustained only if they are clear and free from doubt." *Schuylkill Navy v. Langbord*, 728 A.2d 964, 968 (Super. 1999).

31. MSANK believes and therefore avers that Keystone's Petition for Review of Penalty Assessment is legally insufficient and attempts to merge a review of EPA limits with a penalty assessment set forth throughout Respondent's preliminary objection above which has been incorporated herein by reference.

32. Contained within Keystone's prayer for relief is a request that this Court "set daily maximum limits above monthly average limits..." See the Prayer for Relief on Page 8 of the Petition for Review of *Penalty Assessment*. (emphasis added).

33. Additionally, the Petition for Penalty Assessment inappropriately raises challenges to the underlying permit as follows:

- a. "the penalties imposed are excessive because they rely on violation of Permit limits set forth in the 2018 Permit which are invalid..." See the Petition for Review of Penalty Assessment Paragraph 8.
- b. "the discharge limits set in the Permit are arbitrary, capricious, an abuse of discretion and contrary to legal authority." See the Petition for Review of Penalty Assessment Paragraph 11.
- c. "... because the "maximum limit is set below the "average" limit, thereby inflating the number of alleged violations..." See the Petition for Review of Penalty Assessment Paragraph 13 (c).
- d. "It is irrational for MSANK to set limits for water entering the MSANK treatment plant..." See the Petition for Review of Penalty Assessment Paragraph 13 (i).

34. Despite the title of the pleading, Keystone is attempting a second challenge to the permit limits as set forth in the Pretreatment Permit issued by MSANK.

WHEREFORE, MSANK respectfully requests this Honorable Court enter an Order sustaining the preliminary objection and granting demurrer as to all claims of Petitioner or in the alternative to enter an Order sustaining the preliminary objection and STRIKING from the Petition any reference to the 2018 Pretreatment Permit or its validity, legality or enforceability by way of STRIKING Paragraphs 8, 11, 13 (c), and 13 (i) with prejudice and precluding any additional challenges to the underlying Pretreatment Permit.

### III. PRELIMINARY OBJECTION PURSUANT TO 1028 (a)(2): SCANDALOUS AND IMPERTINENT MATTER

35. Paragraphs one (1) through thirty-four (34) are hereby incorporated herein by reference as though set forth at length.

36. A matter is defined as scandalous when it consists of any unnecessary allegation that bears cruelly upon the moral character of an individual or entity, or anything that is unbecoming for the court to hear. *Universal Film Exchanges, Inc. v. Budco, Inc.* 1968 WL 6704 (Pa. Ct. Com. Pl. 1968).

37. Keystone sets forth as fact multiple scandalous and impertinent statements including the following:

- a. the penalties imposed by MSANK due to violations of its 2018 Permit are excessive because they rely on violation of permits limits which are “invalid” and are “not calculated as required by law”. See the Petition for Review of Penalty Assessment Paragraph 8. (emphasis added).
- b. the discharge limits are “arbitrary, capricious, an abuse of discretion, and beyond MSANK’s legal authority.” See Paragraph 12 of the Petition for Review. (emphasis added).
- c. “MSANK *incorrectly* evaluated these penalty considerations...” See the Petition for Review of Penalty Assessment Paragraph 13. (emphasis added).
- d. MSANK “*improperly* counted multiple violations for samples on the same day...” See the Petition for Review of Penalty Assessment Paragraph 13 (a). (emphasis added).
- e. MSANK is “thereby *inflating* the number of alleged violations *double counting* violations from the same conduct and therefore *inflating* the penalty amount.” See the Petition for Review of Penalty Assessment Paragraph 13 (c). (emphasis added).
- f. MSANK is “*exaggerating* the claimed number of violations.” See the Petition for Review of Penalty Assessment Paragraph 13 (d). (emphasis added).
- g. MSANK “*incorrectly* calculated violations... and therefore calculated the penalties *improperly*.” See the Petition for Review of Penalty Assessment Paragraph 13 (e). (emphasis added).
- h. “It is *irrational* for MSANK to set limits...” See the Petition for Review of Penalty Assessment Paragraph 13 (i). (emphasis added).
- i. “The calculations rely on an *inflated* number of alleged violations, and arrive at an *excessive* penalty.” See the Petition for Review of Penalty Assessment Paragraph 13 (l). (emphasis added).

- j. MSANK “*erred in overcounting* the number of violations penalties...” See the Petition for Review of Penalty Assessment Paragraph 13 (m). (emphasis added).
- k. MSANK’s “minimum fine “guidance” is *arbitrary* and *contrary to law* and results in the calculation of *excessive* penalties.” See the Petition for Review of Penalty Assessment Paragraph 13 (n). (emphasis added).
- l. “MSANK has *no basis* to conclude this element of the penalty is necessary to deter future violations.” See the Petition for Review of Penalty Assessment Paragraph 13 (o). (emphasis added).
- m. “This penalty assessment is not related to the alleged violations at issue, is *excessive* and duplicates other elements of the penalty calculation, in part because the number of violations has been *overstated...*” See the Petition for Review of Penalty Assessment Paragraph 13 (p).
- n. MSANK’s “practice ... *is not applicable or reasonable*, and results in the calculation of *excessive* penalties.” See the Petition for Review of Penalty Assessment Paragraph 13 (q). (emphasis added).

38. Keystone cannot support the foregoing allegations, as stated in its Petition and reiterated in Paragraph 17, as the 2018 Pretreatment Permit remains valid and enforceable as approved by the EPA.

39. The use of the foregoing language as emphasized from Keystone’s Petition is injurious and prejudicial to MSANK, as it states outright that MSANK is acting “illegally” and implies the MSANK is acting “improperly and unfairly”.

40. The foregoing allegations cast a prejudicial and derogatory light on MSANK.

41. Keystone has not set forth specific factual averments in support of its broad prejudicial allegations.

42. As the EPA sets the standards of the Permit Limits and the Permits, Keystone’s blatant false statement implies that MSANK is acting in violation of EPA regulations, thus acting unlawfully.

43. Subsequently, Paragraphs 8, 12 and 13 (a) through (q) should be stricken from the Petition for Review of Penalty Assessment, due to the false criminality it projects and the prejudicial effect it poses on MSANK.

44. Keystone states within its Petition that "[t]he gravity of the alleged discharge violations is low. MSANK is not violating any limit in its discharge permit to the Allegheny River due to Keystone's discharges to MSANK's treatment plant," and [t]he gravity of the violations is low because Keystone has not caused environmental damage to the Allegheny River, the natural environment, or health or welfare." See the Petition for Review of Penalty Assessment Paragraphs 13 (g) and 13 (h).

45. Keystone includes in Paragraphs 13 (s) and 13 (t), including: "Keystone has made a good faith effort to build and operate a treatment plant that meets MSANK's unusually low permit limits. Keystone has continuously attempted to improve the discharge by a series of improvements to the treatment process. Keystone has not realized any economic benefit of noncompliance." "Keystone is a small business and a penalty of this size will have an impact on the business. Keystone requests that the penalty be reduced to consider the lack of harm from violations and Keystone's continuing efforts to improve the quality of discharge." See the Petition for Review of Pretreatment Permit Paragraphs 13 (s) and 13 (t).

46. It is believed and therefore averred that the language included regarding Keystone, the nature of its business and its efforts, contained within Paragraphs 13 (s) and 13 (t) are impertinent and prejudicial to MSANK.

47. It is believed and therefore averred that the statements set forth in Paragraphs 13 (g) and 13 (h) are ambiguous and have no bearing on this case.

48. It is believed and therefore averred Paragraphs 13 (g), 13 (h), 13 (s) and 13 (t) should be stricken from Keystone's Petition on the basis that those paragraphs are in whole impertinent and prejudicial, with no bearing on this case.

WHEREFORE, MSANK respectfully requests this Honorable Court to enter an Order SUSTAINING its preliminary objection regarding the inclusion of scandalous or impertinent matter and STRIKING from Keystone's Petition for Review of Penalty Assessment the following: Paragraphs 8, 12 and 13 (a) through (t) in their entirety. Or, in the alternative, MSANK respectfully requests that this



Court STRIKE the bolded prejudicial language as set forth herein in Paragraph 17 and STRIKE in their entirety Paragraphs 13 (g), 13 (h), 13 (s) and 13 (t) from Keystone's Petition.

IV. PRELIMINARY OBJECTION PURSUANT TO 1028 (a) (2): FAILURE OF  
A PLEADING TO CONFORM TO LAW OR RULE OF COURT  
Pa.R.C.P. No. 1018.1

49. Paragraphs one (1) through forty-eight (48) are hereby incorporated herein as though set forth at length.

50. Keystone's Petition for Review of Permit Assessment fails to conform to law or rule of court, specifically Pa.R.C.P. No. 1018.1.

51. Pa.R.C.P. No. 1018.1, requires every complaint filed by a Plaintiff to begin with a Notice to Defend, which Keystone failed to provide. See a copy the Petition for Review of Penalty Assessment.

52. A complaint that omits the notice to defend is facially and fatally defective. *Gerber v. Emes*, 354 Pa. Super. 75, 511 A.2d 193 (1986); *Clymire v. McKivitz*, 350 Pa. Super. 472, 504 A.2d 937 (1986).

53. Subsequently, Keystone's Petition for Review of Penalty Assessment blatantly fails to conform to Pa.R.C.P. No. 1018.1 and should be stricken in its entirety.

WHEREFORE, MSANK respectfully requests this Honorable Court to enter an Order SUSTAINING its preliminary objections and STRIKING the Petition for Review of Penalty Assessment in its entirety for failure to conform to law or rule of court, specifically Pa. R.C.P. 1018.1.

V. PRELIMINARY OBJECTION PURSUANT TO 1028 (a) (2): FAILURE OF  
A PLEADING TO CONFORM TO LAW OR RULE OF COURT  
Pa.R.C.P. No. 1022

54. Paragraphs one (1) through fifty-three (53) are hereby incorporated herein as though set forth at length.

55. Keystone's Petition for Review of Penalty Assessment fails to conform to Rule of Court Pa.R.C.P. No. 1022.

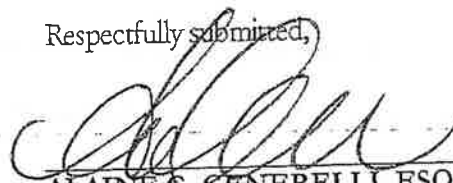
56. Pa.R.C.P. No. 1022 requires every pleading to be divided into paragraphs numbered consecutively with each paragraph containing, as far as practicable, only one material allegation.

57. Keystone has failed to conform to such rule by including multiple material allegations within one paragraph, throughout its Petition. See the Petition for Review of Penalty Assessment specifically Paragraph 3, 4, 5, 6, 8, 9, 10 and Paragraph 13.

58. Said Paragraphs consist of multiple sentences continuing to raise forth allegations, some of which are unrelated to one another, which substantially hinders MSANK's ability to craft appropriate answers.

WHEREFORE, MSANK respectfully requests this Honorable Court to enter an Order SUSTAINING its preliminary objections and STRIKING the Petition for Review of Penalty Assessment due to lack of conformity to law or rule of court, specifically Pa.R.C.P. 1022.

Respectfully submitted,



ALAINÉ G. GENERELLI, ESQUIRE  
PA Supreme Court I.D. # 307603

GEARY AND LOPERFITTO, LLC  
159 Lincoln Avenue  
Vandergrift, PA 15690  
(724) 568-3694

IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KEYSTONE RUSTPROOFING, INC.

Petitioner

vs.

THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON, PA

Respondent

NO. 87 of 2019

TYPE OF PLEADING:

PETITION FOR REVIEW

FILED ON BEHALF OF:  
Keystone Rustproofing, Inc.  
Petitioner

COUNSEL FOR THIS PARTY:  
Harry Klodowski, Esquire  
PA Supreme Court ID #30569

KLODOWSKI LAW LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090

Telephone: (724) 940-4000  
Facsimile: (724) 940-4048



FILED  
PROthonotary's OFFICE  
WESTMORELAND COUNTY  
2019 JAN -4 PM 2:03  
CHRISTINA L. NIER  
PROthonotary

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW**

KEYSTONE RUSTPROOFING, INC.

vs.

THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON, PA

NO. 87 of 2019

**PETITION FOR REVIEW OF PENALTY ASSESSMENT**

Pursuant to Pennsylvania Rules of Appellant Procedure 1502 and 1513, 2 Pa.C.S. § 702, and 42 Pa.C.S. § § 762 and 5105, and New Kensington Ordinance Chapter 169-16, Petitioner Keystone Rustproofing, Inc., by its undersigned attorney states the following:

1. Keystone Rustproofing ("Keystone") is a metal finishing company located at 1901 Dr. Thomas Boulevard Arnold, Westmoreland County, Pennsylvania 15068.
2. Keystone has a Pretreatment Permit, No. SMJ-000040, ("the Permit") from the Municipal Sanitary Authority of the City of New Kensington ("MSANK") to discharge industrial waste into New Kensington's Publicly Owned Treatment Works ("POTW")
3. Keystone received their 2018 annual Permit in January 2018 (the "Permit"). Keystone has appealed the Permit in an action filed at Westmoreland County 479 of 2018.
4. Keystone received Notices of Violation ("NOVs") from MSANK for alleged violations of its 2018 permit alleging Keystone has violated the effluent limits in the Permit. Keystone responded to the alleged violations and proposed penalty assessments in writing.
5. On December 7, 2018, Keystone received a copy of the MSANK Penalty Assessment letter dated November 20, 2018. The penalty covers alleged violations from February to

April 2018. The penalty was set at \$46,000.00. The first November 20 letter ("Penalty Assessment 1") is attached as Exhibit A.

6. On December 7, 2018, Keystone received a copy of the MSANK Penalty Assessment letter dated November 20, 2018. The penalty covers alleged violations from May to August 2017. The penalty was set at \$72,000.00. The second November 20 letter ("Penalty Assessment 2") is attached as Exhibit B.
7. The Penalty Assessment letters state that Keystone has the "right to appeal this Penalty within Thirty (30) Days from the date of receipt hereof to the Court of Common Pleas having Jurisdiction as is provided for under Section 7 (b) of The Publicly Owned Treatment Works Penalty Law, The Local Agency Law, 2 PA.C.S.A. § 101 Et. Seq., and Judicial Code, 42 PA. C.S.A. § 762."
8. The Penalties imposed are excessive because they rely on violation of Permit Limits as set in the 2018 Permit which are invalid, inter alia, because (1) the Permit sets daily maximum discharge limits lower than the monthly average limit for Copper, Nickel, Lead, Cadmium, and Cyanide; (2) monitoring is done every two months, so no monthly average can be calculated for any chemical; (3) local limits were not calculated as required by law; and (4) the permit limits for Keystone's waste water discharged to MSANK's POTW are lower than the amounts allowed in public drinking water for zinc, copper and cyanide.
9. Some parts of the Penalty Assessments are based on double or triple counting alleged violations from the same day of sampling, in violation of the Public Owned Treatment Works Penalty Law Act, 35 P.S. § 752.4(b), which provides:

"For the purposes of this action a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as

required by the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.)”

MSANK's practice of assessing multiple penalties if there were multiple samples taken on the same day is an abuse of discretion and is contrary to law.

10. The Penalty Assessments are excessively high because MSANK counts both daily maximum and monthly average permit violations from the same sample on the same day. When MSANK sets the daily maximum permit limit below the monthly average limit, a violation of the daily maximum limit must violate the monthly average limit, but there is only one violation of a daily maximum limit under 35 P.S. § 752.4(b).
11. Keystone appeals the Penalty Assessments because the discharge limits set in the Permit are arbitrary, capricious, an abuse of discretion and contrary to legal authority.
12. The alleged violations described in the NOV's and the penalties imposed are incorrect, invalid, arbitrary, capricious an abuse of discretion, and beyond MSANK's legal authority.
13. MSANK is required to consider the following factors in assessing a penalty: the nature, circumstances, extent and gravity of the violations, the culpability of the discharger, and other factors as justice may require. Section 169-44 of the Wastewater Pretreatment Standards Ordinance Chapter 169-16 of The City of New Kensington Code of Ordinances, July 5, 2007, amending New Kensington Ordinance 1-96 of September 10, 1996 and Ordinance 1-84 of July 10, 1984 ("New Kensington Ordinance"). *See also* Clean Streams Law 35 P.S. 691.605. MSANK incorrectly evaluated these penalty considerations as follows:

- a. MSANK has improperly counted multiple violations for samples on the same day, for example, for Zinc in March 2018, for Cyanide in May 2018, and Copper in July 2018.
- b. There are numerous examples of double counting and triple counting alleged violations in the penalty assessments.
- c. MSANK calculates both a daily maximum violation and a monthly average limitation violations, based on a single sample, so any violation of the daily maximum limit must also exceed the monthly average limit for Copper, Nickel, Lead, Cyanide, and Cadmium because the "maximum" limit is set below the "average" limit, thereby inflating the number of alleged violations double counting violations from the same conduct and therefore inflating the penalty amount.
- d. When MSANK sets daily maximum limits below monthly average limits, an exceedance of the daily limit must be above the monthly limit, but there is only still only one violation—the limiting factor is the daily maximum violation, and MSANK cannot count both a daily and a monthly violation exaggerating the claimed number of violations. There are no violations of monthly average limits as assumed by MSANK in most of its penalty calculations when the daily maximum is set below the monthly average.
- e. MSANK incorrectly calculated violations for cyanide, and therefore calculated the penalties improperly. For the alleged cyanide violations, MSANK has not taken the required samples following proper protocol and is claiming violations if any of the four required samples is above the limit. The permit provides the average of 4 grab samples will be used to determine compliance for cyanide.

- f. MSANK incorrectly found violations for Zinc in March 2018, because if the amount of Zinc entering the plant in the public water supply is subtracted from the amount of Zinc discharged to MSANK, the Zinc discharge meets permit limits.
- g. The gravity of the alleged discharge violations is low. MSANK is not violating any limit in its discharge permit to the Allegheny River due to Keystone's discharges to MSANK's treatment plant.
- h. The gravity of the violations is low because Keystone has not caused environmental damage to the Allegheny River, the natural environment, or human health or welfare.
- i. It is irrational for MSANK to set limits for water entering the MSANK treatment plant that are lower than the federal drinking water standards for zinc, copper and cyanide.
- j. The Keystone discharge does not interfere with operation of the MSANK treatment plant, or prevent MSANK from meeting MSANK's permit limits.
- k. There is no cost of restoration or abatement of any harm to MSANK's collection system or treatment plant resulting from Keystone's discharge.
- l. MSANK's penalty calculations rely on a formula increasing the penalty depending on the number of the exceedances and the amount the sample exceeds the permit limits. The calculations rely on an inflated number of alleged violations, and arrive at an excessive penalty.
- m. MSANK erred in overcounting the number of violations penalties to be in "Significant Noncompliance" or "TRC" violations.
- n. MSANK's Minimum Fine "guidance" is arbitrary and contrary to law and results in the calculation of excessive penalties.



- o. On information and belief, MSANK has typically fined Keystone for the "deterrence of future violations." MSANK has no basis to conclude this element of the penalty is necessary to deter future violations.
- p. On information and belief, MSANK has an enforcement policy, Minimum Fine Schedule, and selects penalties from a range in these policies. MSANK typically for "History Of Past Violations." This penalty assessment is not related to the alleged violations at issue, is excessive and duplicates other elements of the penalty calculation, in part because the number of violations has been overstated as discussed herein.
- q. MSANK's practice of increasing penalty assessments for alleged repeat violations under the Technical Review Criteria ("TRC") and Significant Non Compliance ("SNC") doctrines is not applicable or reasonable, and results in the calculation of excessive penalties.
- r. MSANK fines Keystone for deterrence, but MSANK has no facts justifying an additional fine for deterrence is necessary.
- s. Keystone has made a good faith effort to build and operate a treatment plant that meets MSANK's unusually low permit limits. Keystone has continuously attempted to improve the discharge by a series of improvements to the treatment process. Keystone has not delayed or avoided any expenditures for the violations at issue, and has not realized any economic benefit of noncompliance.
- t. Keystone is a small business and a penalty of this size will have an impact on the business. Keystone requests that the penalty be reduced to consider the lack of harm from the violations and Keystone's continuing efforts to improve the quality of the discharge.

WHEREFORE, Keystone Rustproofing requests this Honorable Court to: (a) schedule a hearing on Keystone's appeal of the penalty; (b) set daily maximum limits above monthly average limits; (c) set a lower penalty following the statutory penalty factors and the testimony at Hearing; or (d) remand the matter to Respondent with instructions on how to revise the penalty.



Attorney For Petitioner

Harry F. Klodowski, Esq.  
PA ID 30569

Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
724-940-4000

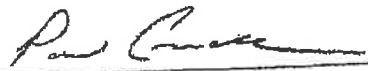
Attorney For Petitioner  
Keystone Rustproofing, Inc.

[harry@klodowskilaw.com](mailto:harry@klodowskilaw.com)

VERIFICATION

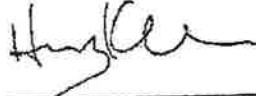
I, Paul Gunsallus, President of Keystone Rustproofing, Inc., verify that the statements of fact made herein are true and correct to the best of my knowledge or information and belief, and are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: 1/4/2019

  
Paul Gunsallus

**NOTICE TO PLEAD**

TO: Municipal Sewage Authority of New Kensington: You are hereby notified to file a written response to the enclosed Petition within twenty (20) days from service hereof or a judgment may be entered against you.



Harry F. Kledowski, Esq.

Reed 12/7/18

## THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

Priority Mail

Keystone Rustproofing, Inc.  
Paul Gonsallus  
1901 Dr. Thomas Boulevard  
Arnold, PA. 15068

November 20, 2018

Re: Penalty Notification

Pretreatment Permit No. SMJ-000040

Mr. Gonsallus:

This letter serves notice that Keystone Rustproofing, Inc. is being assessed a Penalty Pursuant to the Industrial Pretreatment Resolution. The Industrial Pretreatment Resolution as adopted by the Municipal Sanitary Authority of the City of New Kensington, requires The Municipal Sanitary Authority of The City of New Kensington to enforce Civil Penalties for any violations of the Industrial Pretreatment Program. This penalty is due to:

1. Nickel and Total Cyanide (SNC) Fine Limit Exceedences on February 27-28, 2018.
2. Nickel (SNC) and Zinc Fine Limit Exceedences on March 26-27, 2018.
3. Zinc Average Fine Limit Exceedence for March 1-31, 2018
4. Nickel SNC Fine Limit Exceedence on April 26-27, 2018.

This Penalty has been established in accordance with the Publicly Owned Treatment Works Penalty Law Act No. 9 of 1992, 35 P.S. Section 752.1 ET. SEQ. and Federal Regulations 40 CFR Section 403.8 (f)-(2) (vii). The Total Penalty Amount is \$46,000.00 as shown in the MSANK Pretreatment Minimum Fine Schedule Minimum that is attached.

Users have the right to appeal this Penalty within Thirty (30) Days from the date of receipt hereof to the Court of Common Pleas having Jurisdiction as is provided for under Section 7 (b) of The Publicly Owned Treatment Works Penalty Law, The Local Agency Law, 2 PA.C.S.A. 101 ET. SEQ., and Judicial Code, 42 PA. C.S.A. §762.

Questions can be addressed to my attention at the above address and phone number.

Sincerely

The Municipal Sanitary Authority  
of The City of New Kensington, PA

*Joseph F. Ditty*  
Joseph F. Ditty  
Pretreatment Coordinator

Enclosures: Minimum Fine Schedule  
Cc: Mott Macdonald, Solicitor, File



Significant Industrial User: Keystone Rustproofing, Arnold, Pa.  
 Parameter Violation: Exceedance of Local and/or Federal Pretreatment Permit Limits (February 2018 through April 2018).

[illegible]

(A) A fine shall be imposed on any parameter which meets the criteria for significant noncompliance (SNC) per 40 CFR 403.8(f)(2)(viii).

An industrial user is in SNC if its violation meets one or more of these criteria, among others listed in 40 CFR 403.8:

- A. Chronic violation of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(i).
- B. Technical Review Criteria (TRC) violations, defined as those in which thirty three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, defined by 40 CFR 403.3(i) multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, Oil and Grease and 1.2 for all other parameters except pH).
- C. Any other violation of a Pretreatment standard or requirement as defined by 40 CFR 403.3(i) (daily maximum, long term average, instantaneous limit, or narrative standard); that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403 to halt or prevent such a discharge;
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation, or group of violations which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

Recd 12/7/18

**THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON**

120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

**Priority Mail**

Keystone Rustproofing, Inc.  
Paul Gonsallus  
1901 Dr. Thomas Boulevard  
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November 20, 2018

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Mr. Gonsallus:

This letter serves notice that Keystone Rustproofing, Inc. is being assessed a Penalty Pursuant to the Industrial Pretreatment Resolution. The Industrial Pretreatment Resolution as adopted by the Municipal Sanitary Authority of the City Of New Kensington, requires The Municipal Sanitary Authority of The City of New Kensington to enforce Civil Penalties for any violations of the Industrial Pretreatment Program. This penalty is due to:

1. Copper, Nickel and Total Cyanide (SNC) Fine Limit Exceedences on May 30-31, 2018.
2. Total Cyanide Average (SNC) Fine Limit Exceedence for May 1-31, 2018
3. Copper and Nickel (SNC) Fine Limit Exceedences on July 30-31, 2018.
4. Copper Average (SNC) Fine Limit Exceedence for July 1-31, 2018
5. Total Cyanide (SNC) Fine Limit Exceedence for August 30-31, 2018.

This Penalty has been established in accordance with the Publicly Owned Treatment Works Penalty Law Act No. 9 of 1992, 35 P.S. Section 752.1 ET. SEQ. and Federal Regulations 40 CFR Section 403.8 (f) (2) (vii). The Total Penalty Amount is \$72,000.00 as shown in the MSANK Pretreatment Minimum Fine Schedule Minimum that is attached.

Users have the right to appeal this Penalty within Thirty (30) Days from the date of receipt hereof to the Court of Common Pleas having Jurisdiction as is provided for under Section 7 (b) of The Publicly Owned Treatment Works Penalty Law, The Local Agency Law, 2 P.A.C.S.A. 101 ET. SEQ., and Judicial Code, 42 P.A.C.S.A. §762.

Questions can be addressed to my attention at the above address and phone number.

Sincerely,

The Municipal Sanitary Authority  
of The City of New Kensington, PA

*Joseph P. Ditty*  
Joseph P. Ditty  
Pretreatment Coordinator

Enclosures: Minimum Fine Schedule  
Cc: Mott Macdonald, Solicitor, File





Significant Industrial User: Keystone Rustproofing, Arnold, Pa.  
Parameter Violation: Exceedance of Local and/or Federal Prelim

Item	Violation	Nature of Violation	Damage To				Cost of Restoration & Abatement	User Savings From Violation	History of Past Violations	Deterrence of Future Violations	Fine Subtotal
			Footnote	Air	Water	Land					
1	Unpermitted Discharge	User Unaware of Requirement		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
2	Exceedance of Local and/or Federal Pretreatment Permit Limits	Reoccurring Violations Which Do Not Meet Significant Noncompliance Criteria		\$0	\$0	\$0	\$0	\$0.00	\$0.00	\$0.00	\$72,000.00
3	Inadequate Recordkeeping	Significant Noncompliance	A	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
		Report is 45 days late		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
		No report submitted 60 days after notification		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
		Failure to report spill within 30 days		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
		Failure to Report Charged Discharge within 30 days of Change		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
4	Incorrect Monitoring	Failure to Monitor Pollutants as required by Pretreatment Permit		\$0	\$0	\$0	\$0	\$0	\$0.00	\$0	
5	Monitoring Equipment not Installed	Delay of 30 days or more		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
6	Compliance Schedule	Milestone missed by 90 days or more		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
		Failure to Mitigate Noncompliance within one year of Final Completion Date		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
7	Wastestream Diverted to lieu of Treatment	Initial Violation		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
8	Failure to Operate and Maintain Pretreatment Facility	Reoccurring 30 days after Initial Violation		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
		Reoccurring 30 days after notification		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
		Reoccurring one year after notification		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
9	Illegal Discharge From Permitted User	Initial Violation		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
		Reoccurring after Initial Violation		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
CREDIT											
TOTAL FINE											\$72,000.00

(A) A fine shall be imposed on any parameter which meets the criteria for significant noncompliance (SNC) per 40 CFR 403.8(f)(2)(viii).

An industrial user is in SNC if its violation meets one or more of these criteria, among others listed in 40 CFR 403.8:

A. Chronic violation of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(i).

B. Technical Review Criteria (TRC) violations, defined as those in which thirty three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, defined by 40 CFR 403.3(i) multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, Oil and Grease and 1.2 for all other parameters except pH)

C. Any other violation of a Pretreatment standard or requirement as defined by 40 CFR 403.3(i) (daily maximum, long term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403 to halt or prevent such a discharge;

E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction or attaining final compliance.

F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance.

H. Any other violation, or group of violations which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

KEYSTONE RUSTPROOFING, INC.

vs.

THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON, PA

NO. 87 of 2019

PROPOSED ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2019, upon consideration of the foregoing Petition for Appeal from the Municipal Sanitary Authority of the City of New Kensington ("MSANK"), a Penalty Assessment and on the motion of Keystone, a hearing de novo is granted to determine whether the penalty should be vacated and determine the amount of the appropriate penalty.

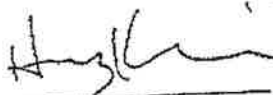
BY THE COURT

\_\_\_\_\_  
J.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the attached Petition has been served upon the Municipal Sanitary Authority of the City of New Kensington by certified mail, this 4th day of January, 2019, at the below address:

Joe Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the City of New Kensington  
20 Logans Ferry Rd, New Kensington, PA 15068

  
\_\_\_\_\_  
Attorney For Petitioner  
Harry F. Klodowski, Esq.  
PA ID 30569  
Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
724-940-4000  
[harry@klodowskiilaw.com](mailto:harry@klodowskiilaw.com)

**CONFIDENTIALITY STATEMENT**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Harry Klodowski, Esquire

Signature: 

Name: Harry Klodowski, Esquire

Attorney No.: 30569

IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

KEYSTONE RUSTPROOFING, INC.

Petitioner

vs.

THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON, PA

Respondent

NO. 479 of 2018

APPEAL OF PERMIT

PETITION FOR REVIEW OF PRETREATMENT PERMIT

Pursuant to the Local Agency Law, 2 PA. C.S.A. §§ 751, 752 and 754(a); 42 Pa.C.S. § 933(a)(3); and Pa.R.A.P. 1502, Petitioner Keystone Rustproofing, Inc., by its undersigned attorneys respectfully represent that:

1. Keystone Rustproofing "Keystone" is a metal finishing company located at 1901 Dr. Thomas Boulevard Arnold, Westmoreland County, Pennsylvania 15068.
2. Federal, State and Local laws require some industrial plants who discharge to municipal sewers and municipal sewage treatment plants (or Publicly Owned Treatment Works "POTW") to have a "Pretreatment Permit" to discharge the industrial wastewater to the POTW, who will send their water discharge to surface water, in this case the Allegheny River.

PROTHONOTARY  
CHRISTINA OBER  
2018 FEB -2 PM 3:09  
PROTHONOTARY'S OFFICE  
WESTMORELAND COUNTY  
FILED IN



3. Respondent Municipal Sanitary Authority of New Kensington ("MSANK") operates a POTW and issues pretreatment permits under authority of a municipal ordinance that generally incorporates federal and state standards.
4. The Municipal Sanitary Authority of the City of New Kensington ("MSANK") issued 2018 Pretreatment Permit, No. SMJ-000040, ("the Permit") to Keystone to discharge industrial waste into New Kensington's POTW. These permits are issued for one year terms. (Attached as Exhibit A).
5. Keystone received the Permit on January 5, 2018.
6. MSANK's Ordinance and the permit do not set a procedure for appeal of MSANK Pretreatment Permits.
7. According to Pennsylvania Rule of Appellate Procedure 1502, the Petition for Review is the appropriate form for judicial review of a determination of a government unit.
8. MSANK is a "Government unit" as defined in Pennsylvania Rule of Appellate Procedure 102.
9. MSANK is a "Local Agency" as defined in 2 Pa. C.S.A. Sections 101 and 551.
10. The Permit is an "adjudication" of a local agency as these terms are defined in 2 Pa. C.S.A. § 101 and 551.
11. Keystone is authorized to appeal the Permit to this Court under 2 Pa. C.S.A. § 752.
12. Keystone is authorized to request an Appeal de novo under 2 Pa. C.S.A. § 754(a).
13. The Court of Common Pleas has jurisdiction for appeals arising from local agency actions pursuant to 42 Pa.C.S. § 933(a)(3).
14. Keystone appeals the 2018 Permit because the discharge limits set in the Permit are arbitrary, capricious, an abuse of discretion and contrary to legal authority.

15. The discharge limits in the Permit are invalid, arbitrary, capricious an abuse of discretion and beyond legal authority, for the following reasons:

a. The Permit has set maximum daily limits for certain parameters; copper, nickel, lead, cyanide and cadmium where the maximum daily limit is lower than the monthly average limit, which is contrary to federal regulations and arbitrary, capricious and irrational as a matter of basic arithmetic;

b. The Permit purports to have both daily maximum and monthly average limits for most chemicals, but the sampling done every two months as specified in the permit does not allow for the calculation of a monthly average limit, so the monthly average value cannot be calculated;

c. The Permit limits are set significantly below USEPA's pretreatment regulations for this industry as set forth in 40 C.F.R. 433.17;

d. The Permit limits are set below the limits other municipal wastewater treatment plants have set for other electroplating plants;

e. To the extent MSANK is able to promulgate standards more strict than federal standards, MSANK did not follow procedures established by USEPA or provide Keystone Notice and an opportunity to comment on these limits; and

f. Such other reasons as may be determined in Discovery.

16. Keystone has requested information from MSANK on how Keystone's Permit Limits were set and has requested the documents on how the limits have been set since June 2017.


17. MSANK has not responded to Keystone's document requests.



18. MSANK has lowered the permit levels of lead in the 2018 as compared to the 2017 permit without any Notice or explanation to Keystone.
19. The arbitrary, capricious, irrational, illegal and very low discharge standards set by MSANK results in harm to the Petitioner as Keystone is exposed to excessive enforcement actions, including penalties, and additional treatment costs associated with the limits set by MSANK.

WHEREFORE, Keystone Rustproofing requests this Honorable Court to: (a) vacate the permit limits; (b) direct MSANK to set permit limits with following C.F.R. § 413.15; (c) remand the Permit to MSANK with instructions to set daily maximum limits above monthly average limits; and such further relief as the Court deems appropriate.

Respectfully Submitted

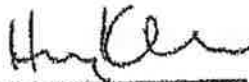


Attorney For Petitioner  
Harry F. Klodowski, Esq.  
PA ID 30369  
Elizabeth Rubenstein, Esq.  
PA ID 323254

Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
724-940-4000  
[harry@klodowskilaw.com](mailto:harry@klodowskilaw.com)  
[lizzie@klodowskilaw.com](mailto:lizzie@klodowskilaw.com)

**NOTICE TO PLEAD**

TO: Municipal Sewage Authority of New Kensington: You are hereby notified to file a written response to the enclosed Petition within twenty (20) days from service hereof or a judgment may be entered against you.



Harry F. Kłodowski, Esq.

# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

KEYSTONE RUSTPROOFING, INC.  
1901 DR. THOMAS DRIVE  
ARNOLD, PA 15068

JANUARY 1, 2018

ATTN: MR. PAUL GUNSALLUS

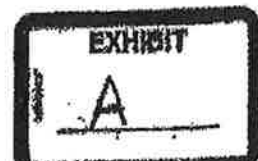
RE: RENEWAL OF PRETREATMENT PERMIT  
NO. SMJ-000040 FOR 2018

MR. GUNSALLUS:

YOUR INDUSTRIAL/COMMERCIAL USER PRETREATMENT PERMIT IS HEREBY RENEWED FOR THE 2018 CALENDAR YEAR UNDER THE CONDITIONS AS SET FORTH IN THE INDUSTRIAL PRETREATMENT PROGRAM OF THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON AS ADOPTED BY RESOLUTION DATED APRIL 5, 1994 AND THE EFFLUENT LIMITS AND MONITORING REQUIREMENTS AS CONTAINED IN THIS PERMIT NUMBER SMJ-000040.

THIS PERMIT NO. SMJ-000040 COVERS THE WASTEWATER DISCHARGED FROM YOUR FACILITY, KEYSTONE RUSTPROOFING, INC., LOCATED AT 1901 DR. THOMAS DRIVE, ARNOLD, PA INTO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON'S PUBLIC SANITARY SEWER SYSTEM. ALL DISCHARGES FROM THIS FACILITY, ACTIONS AND REPORTS RELATING THERETO WILL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT.

THE ANNUAL FEE FOR YOUR FACILITY'S 2018 PRETREATMENT PERMIT IS \$5,500.00. ALL COSTS INCURRED BY THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON IN CONJUNCTION WITH REVIEW OF SELF-MONITORING REPORTS SUBMITTED BY YOUR FACILITY, SAMPLING, INSPECTIONS, SURCHARGES, VIOLATIONS, NONCOMPLIANCE, AND ANY ASSOCIATED EVENTS RELATED TO YOUR FACILITY'S PRETREATMENT PERMIT WILL BE BILLED SEPARATELY.

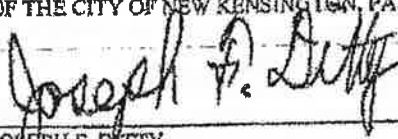


PLEASE ISSUE PAYMENT IN FULL TO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON WITHIN THIRTY (30) DAYS. FAILURE TO MAKE PAYMENT WITHIN THAT TIME PERIOD WILL RESULT IN ADDITIONAL AND SUBSTANTIAL FEES AND COSTS.

PERMIT NUMBER SMJ-000040, ITS MONITORING REQUIREMENTS AND EFFLUENT LIMITS SHALL BECOME EFFECTIVE ON JANUARY 1, 2018 AND EXPIRE ON MIDNIGHT DECEMBER 31, 2018 YOUR FIRST SELF-MONITORING REPORT WITH YOUR TEST RESULTS WILL BE DUE IN OUR OFFICE BY MARCH 31, 2018. THE FREQUENCY THEREAFTER IS SPECIFIED IN YOUR MONITORING FREQUENCY REQUIREMENTS.

YOUR COOPERATION IN THIS ENVIRONMENTALLY PRUDENT CONCERN IS APPRECIATED.

SINCERELY,  
THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON, PA.

  
JOSEPH P. DITTY  
PRETREATMENT COORDINATOR

JAN 01 2018

JFD/rla  
PC: File

**SECTION 1.0**  
**MUNICIPAL SANITARY AUTHORITY**  
**OF THE CITY OF NEW KENSINGTON**  
**INDUSTRIAL PRETREATMENT PERMIT**  
**PERMIT NO. SMJ-000040**

IN ACCORDANCE WITH THE PROVISIONS OF THE INDUSTRIAL PRETREATMENT PROGRAM OF THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON AS ADOPTED BY A RESOLUTION DATED APRIL 5, 1994.

**KEYSTONE RUSTPROOFING**  
**1901 DR. THOMAS BLVD.**  
**ARNOLD, PA 15068**

IS HEREBY AUTHORIZED TO DISCHARGE INDUSTRIAL WASTEWATER FROM THE ABOVE IDENTIFIED FACILITY AND THROUGH THE OUTFALLS IDENTIFIED HEREIN INTO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON'S SEWER SYSTEM IN ACCORDANCE WITH THE CONDITIONS SET FORTH IN THIS PERMIT. COMPLIANCE WITH THIS PERMIT DOES NOT RELIEVE THE PERMITTEE OF ITS OBLIGATION TO COMPLY WITH ANY OR ALL APPLICABLE PRETREATMENT REGULATIONS, STANDARDS OR REQUIREMENTS UNDER LOCAL, STATE, AND FEDERAL LAWS, INCLUDING ANY SUCH REGULATIONS, STANDARDS, REQUIREMENTS, OR LAWS THAT MAY BECOME EFFECTIVE DURING THE TERM OF THIS PERMIT.

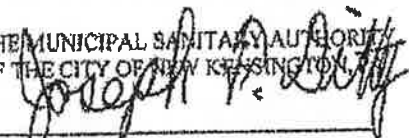
NONCOMPLIANCE WITH ANY TERM OR CONDITION OF THIS PERMIT WILL CONSTITUTE A VIOLATION OF THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON'S INDUSTRIAL PRETREATMENT PROGRAM RESOLUTION, AND WOULD BE GROUNDS FOR ENFORCEMENT ACTION.

THIS PERMIT SHALL BECOME EFFECTIVE ON JANUARY 1, 2018 AND WILL EXPIRE AT MIDNIGHT ON DECEMBER 31, 2018.

NOTIFICATION OF INTENT TO CEASE DISCHARGE MUST BE SUBMITTED TO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON AT LEAST 180 DAYS PRIOR TO THE PRETREATMENT PERMIT EXPIRATION DATE.

AN APPLICATION FOR A RENEWAL PERMIT MUST BE SUBMITTED TO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON AT LEAST 180 DAYS PRIOR TO THE PRETREATMENT PERMIT EXPIRATION DATE. THE APPLICATION MUST BE SUBMITTED ON AN ANNUAL BASIS THEREFORE AN APPLICATION FOR A NEW PERMIT MUST BE SUBMITTED TO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON BY JUNE 28<sup>TH</sup> OF EACH YEAR.

THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON

  
JOSEPH F. DITTY  
PRETREATMENT COORDINATOR

DATE

**JUN 03 2018**

**SECTION 2.0**

**MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON**

**INDUSTRIAL USER - PRETREATMENT PERMIT**

**PERMIT NO.** SMJ-000040

**PERMITTEE:**  
KEYSTONE RUSTPROOFING, INC.  
1901 DR. THOMAS BLVD.  
ARNOLD, PA 15068

**FACILITY ADDRESS:** SAME

**DESIGNATED FACILITY CONTACT PERSON:**  
MR. PAUL GUNSALLUS

**STANDARD INDUSTRIAL CLASSIFICATION (SIC):** (3471 PLATING & POLISHING)  
**MSANK USER NUMBER:** 000040

**EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

DISCHARGE PARAMETER	DISCHARGE LIMIT - mg/l		REPORT AND MEASUREMENT FREQUENCY	SAMPLE TYPE
	Surcharge Limit (a)	Max/Average Fine Limit (b)		
ZINC (Zn)	---	1.99/1.69 mg/l	BI-MONTHLY	24 HR. COMP.
LEAD (Pb)	---	0.17/0.34 mg/l	BI-MONTHLY	24 HR. COMP.
COPPER (Cu)	---	0.69/1.89 mg/l	BI-MONTHLY	24 HR. COMP.
pH	---	6.0-11.5 S.U.	BI-MONTHLY	GRAB (c)
CADMIUM (Cd)	---	0.11/0.36 mg/l	BI-MONTHLY	24 HR. COMP.
T.CHROMIUM (Cr)	---	5.38/2.23 mg/l	BI-MONTHLY	24 HR. COMP.
SILVER (Ag)	---	0.56/0.31 mg/l	BI-MONTHLY	24 HR. COMP.
TOTAL METALS (Cu, Ni, Cr, Zn)	---	18.5/5.0 mg/l	BI-MONTHLY	24 HR. COMP.
NICKEL (Ni)	---	0.23/1.99 mg/l	BI-MONTHLY	24 HR. COMP.
T.CYANIDE (CN)	---	0.12/0.53 mg/l	BI-MONTHLY	GRAB (c)
FLOW	---	---	*CONTINUOUS	*METERED
TTO	---	2.13mg/l	**	24 HR. COMP.
pH	---	6.0-11.5 S.U.	*CONTINUOUS	*METERED
CBOD	300 mg/l	729 mg/l	---	24 HR. COMP.
OIL & GREASE	100 mg/l	500 mg/l	---	GRAB (c)
TSS	275 mg/l	771 mg/l	---	24 HR. COMP.
TEMPERATURE	---	150 DEGREES F	---	GRAB (c)
HEX.CHROMIUM	---	2.3 mg/l	---	24 HR. COMP.
MERCURY (Hg)	---	0.016 mg/l	---	24 HR. COMP.
ARSENIC (As)	---	0.110 mg/l	---	24 HR. COMP.
TOTAL PHENOLS	---	1.0 mg/l	---	GRAB (c)
SELENIUM (Se)	---	14.1 mg/l	---	24 HR. COMP.
AMMONIA (NH3)	20 mg/l	---	---	24 HR. COMP.
PHOSPHORUS (P)	10 mg/l	---	---	24 HR. COMP.

**SAMPLING LOCATION:** ALL SAMPLES TO BE TAKEN AT SUMP WELL INSIDE THE KEYSTONE RUSTPROOFING FACILITY.

- (a) THE DISCHARGE MAY EXCEED THE SURCHARGE LIMIT, BUT A SURCHARGE WILL BE ASSESSED ANYTIME THE PARAMETER EXCEEDS THE SURCHARGE LIMIT.
- (b) NO DISCHARGE MAY EXCEED THE FINE LIMIT, AND ALL SUCH VIOLATIONS ARE SUBJECT TO ENFORCEMENT. A FINE WILL BE ASSESSED ANYTIME THE PARAMETER EXCEEDS THE FINE LIMIT. MONTHLY AVERAGE LIMITS ALSO ARE TO BE ENFORCED.
- (c) GRAB SAMPLES TO BE TAKEN FOUR (4) TIMES OVER THE 24-HOUR DISCHARGE PERIOD. ONE ON-SITE TEST IS REQUIRED FOR SHORT HOLD PARAMETERS (pH, TEMPERATURE).

**REPORT PERIOD:** SELF-MONITORING REPORTS ARE DUE BI-MONTHLY AND ARE TO BE SUBMITTED BY THE 28<sup>TH</sup> OF THE MONTH FOLLOWING EACH REQUIRED SAMPLING EVENT.

**\*\*TOTAL TOXIC ORGANICS (TTO's) SAMPLING MUST BE CONDUCTED AT LEAST ONCE FOR ALL S.L.U.'s. IF THE SAMPLE RESULTS SHOW THAT NO TTO's ARE DETECTED, THEN NO ADDITIONAL MONITORING WILL BE NECESSARY AS LONG AS NO TTO's ARE PRESENT ON SITE.**

IF TTO's ARE PRESENT ON SITE, BUT NOT DETECTED IN EFFLUENT, THE S.L.U. WILL SUBMIT A TOXIC ORGANIC MANAGEMENT PLAN (TOMP) ALONG WITH A YEARLY CERTIFICATION SIGNED BY AN AUTHORIZED COMPANY OFFICIAL STATING THAT NO DUMPING OF CONCENTRATED TOXIC ORGANICS INTO THE WASTEWATERS HAS OCCURRED SINCE FILING OF THE LAST REPORT.

\*24 HOUR FLOW METER AND pH METER. THE PERMITTEE SHALL CLEAN, CALIBRATE AND MAINTAIN THE FLOW METER AND PH METER TO ASSURE ACCURATE READINGS AT ALL TIMES. RECORDS OF METER CALIBRATION SHALL BE SUBMITTED TO THE CONTROL AUTHORITY, UPON REQUEST.

THE PERMITTEE SHALL MAINTAIN THE pH OF SUCH WASTEWATER WITHIN THE RANGE SET FORTH IN THE APPLICABLE PRETREATMENT PERMIT, EXCEPT EXCURSIONS FROM THE RANGE ARE PERMITTED SUBJECT TO THE FOLLOWING LIMITATIONS:

- 1) THE TOTAL TIME DURING WHICH THE pH VALUES ARE OUTSIDE OF THE REQUIRED RANGE OF pH VALUES SHALL NOT EXCEED 7 HOURS AND 26 MINUTES IN ANY CALENDAR MONTH, AND
- 2) NO INDIVIDUAL EXCURSION FROM THE RANGE OF pH VALUES SHALL EXCEED 60 MINUTES.

THIS SHORT-TERM EXCEEDANCE EXEMPTION DOES NOT ALLOW FOR ANY DISCHARGES BELOW pH 5.0 S.U. FOR ANY PERIOD OF TIME, SINCE THIS IS A NATIONAL PROHIBITION ON pH DISCHARGES.

THIS SHORT-TERM EXCEEDANCE EXEMPTION DOES NOT ALLOW FOR ANY DISCHARGES EQUAL TO, OR ABOVE pH 12.5 S.U. FOR ANY PERIOD OF TIME.

FOR PURPOSES OF THIS SECTION, AN EXCURSION IS AN UNINTENTIONAL AND TEMPORARY INCIDENT IN WHICH THE pH VALUE OF DISCHARGE WASTEWATER EXCEEDS THE RANGE SET FORTH IN THE APPLICABLE PRETREATMENT PERMIT.

**MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**  
**PRETREATMENT PERMIT**  
(Continued)

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**3.0 DEFINITIONS**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Document, shall have the meanings hereinafter designated:

- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (2) Approval Authority. The Environmental Protection Agency (EPA).
- (3) Approved Pretreatment Program or Pretreatment Program. The Pretreatment Program administered by the Municipal Sanitary authority of the City of New Kensington that meets the criteria established by 40 CFR 403.8 and 40 CFR 403.9, and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11.
- (4) Authorized Representative of User. An authorized Representative of a User may be:
  - (A) If the User is a Corporation:
    - (1) The president, secretary, treasurer, or a vice-president of the Corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the Corporation; or
    - (2) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (B) A General partner or Proprietor if the User is a partnership or Proprietorship, respectively;



**MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON  
PRETREATMENT PERMIT  
(Continued)**

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- (C) If the User is a Federal, State, or Local governmental facility; a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee;
  - (D) A duly authorized representative of the individual designated in (A) through (C) if:
    - (1) The authorization is made in writing by the individual described in (A) through (C);
    - (2) The authorization specifies either an individual or position having responsibility for the overall operation of the facility from which the Discharge originates, such as the position of Plant Manager, Operator of a well, or Well Field Superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the Company; and
    - (3) Written authorization is submitted to the Control Authority;
  - (E) If an authorization under (D) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the Company, a new authorization satisfying the requirements of (D) must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized Representative.
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- (5) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure (five (5) days at 20 degrees centigrade) expressed in terms of concentration (e.g., mg/l).
  - (6) Building Sewer. A sewer conveying wastewater from the premises of a User to the Municipal Sanitary Authority of the City of New Kensington POTW.
  - (7) Composite Sample. A composite sample is a combination of individual samples which are combined to create one (1) sample which should be representative of the total discharge during a specified time period. Flow-Proportional Composite Samples are obtained at regular intervals over a specified time period. The volume of each individual sample is proportional to the Discharge flow rate, with a greater volume of sample being collected when Discharge flow rates are high. Time-Proportional Composite Samples consist of constant volume samples collected over the time period used to produce the composite.

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- (8) Control Authority. The term Control Authority shall refer to the Municipal Sanitary Authority of the City of New Kensington.
- (9) Direct Discharge. The Discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.
- (10) Director. The Chief Administrative Officer of a State or Interstate water pollution control agency with an NPDES Permit program approved pursuant to Section 402(b) of the Act and an approved State Pretreatment Program.
- (11) Environmental Protection Agency (EPA). The United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (12) Existing Source. Not a new source as defined in 3.0 (22).
- (13) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- (14) Holding Tank Waste or Septic Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, vacuum-pump tank trucks, etc.
- (15) Indirect Discharge or Discharge. The introduction of pollutants into the POTW of the Municipal Sanitary Authority of the City of New Kensington from any non-domestic source regulated under Section 307(b), (e), or (d) of the Act.
- (16) Industrial User or User. A source of Indirect Discharge.
- (17) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the facility's wastewater flow rate and the duration of the sampling event.
- (18) Interference. A Discharge, which alone or in conjunction with a Discharge or Discharges from other sources, both:

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- (A) Inhibits or disrupts the POTW of the Municipal Sanitary Authority of the City of New Kensington, its treatment processes or operations, or its sludge processes, use, or disposal; and
  - (B) Therefore is a cause of a violation of any requirements of the Municipal Sanitary Authority of the City of New Kensington POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or Permits issued there under, or more stringent State or Local regulations: Section 405 of the Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)), and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, Clean Air, the Toxic Substance Control Act (TSCA), and the Marine Protection, Research and Sanctuaries Act.
- (19) Manager. The person designated by the Municipal Sanitary Authority of the City of New Kensington to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by the Pretreatment Resolution, or a duly authorized representative.
- (20) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (21) National Categorical Pretreatment Standard, Categorical Pretreatment Standard, National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317), which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, parts 403-471.
- (22) New Source. A new source is defined as:
- (A) Any building, structure, facility, or installation from which there is (or may be) a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:

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- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production of wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these substantially independent factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (B) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (A) (2), or (A) (3) of this Section but otherwise alters, replaces, or adds to existing process or production equipment.
- (C) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- (1) Began or caused to begin as part of a continuous on-site construction program:
    - (i) Any placement, assembly, or installation of facilities of equipment; or
    - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
  - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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- (23) Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (24) NPDES Permit. A Permit issued to a POTW pursuant to Section 402 of the Act.
- (25) NPDES State. A State (as defined in 40 CFR 122.2) or Interstate water pollution control agency with an NPDES Permit program approved pursuant to Section 402(b) of the Act.
- (26) Pass Through. A Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES Permit, including an increase in the magnitude or duration of a violation.
- (27) Person. Any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and Local governmental entities.
- (28) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (29) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (30) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by applicable pretreatment standards.
- (31) Pretreatment Permit. As set forth in Section 4.2 of the Pretreatment Resolution.
- (32) Pretreatment Requirements. Any substantive or procedural requirements related to pretreatment imposed on a User, other than a pretreatment standard.
- (33) Pretreatment Standard or Standards. Pretreatment standards shall mean prohibited discharge standards, national categorical pretreatment standards, and local limits.

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- (34) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of the Pretreatment Resolution.
- (35) Publicly Owned Treatment Works (POTW). A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by a State or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a POTW Treatment Plant.
- (36) POTW Treatment Plant. The portion of the POTW which is designed to provide treatment (including recycling and reclamation) of sewage and industrial waste.
- (37) Regional Administrator. The appropriate EPA Regional Administrator.
- (38) Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial or permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (39) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)
- (40) Shall is mandatory; May is permissive.
- (41) Significant Industrial User.
- (A) Except as provided in paragraph (B) of this Section, a Significant Industrial User of the POTW of the Municipal Sanitary Authority of the City of New Kensington is defined as:
- (1) All Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- (2) Any other User that:

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- (i) Discharges an average of 25,000 gallons or more per average work day of process wastewater to the POTW (excluding sanitary, non-contract cooling, and boiler blow down wastewater); or
  - (ii) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
  - (iii) Has in their wastes toxic pollutants as defined pursuant to Section 307 of the Act; or
  - (iv) Is found by the Municipal Sanitary Authority of the City of New Kensington, Pennsylvania Department of Environmental Protection, or the U.S. EPA to have significant impact, either singly or in combination with other contributing Users, on the POTW, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW, or
  - (v) Is designated as such by the Control Authority on the basis that the User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement [in accordance with 40 CFR 403.8(f) (6)].
- (B) Upon finding that a User meeting the criteria in paragraph (A) of this Section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Control Authority may at anytime, on its own initiative or in response to a petition received from a User, and in accordance with 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User unless classified as a Categorical Industrial User per 40 CFR 403.
- (42) Significant Noncompliance. An Industrial User is in Significant Noncompliance if its violation meets one or more of these criteria, among others listed in 40 CFR 403.8:
- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six month period exceed by any magnitude a numeric pretreatment standard or requirements, including instantaneous limits, as defined by 40 CFR 403.3(1);



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- (B) Technical Review Criteria (TRC) violation, defined as those in which thirty three percent (33%) or more of all the measurements taken for the same pollutant parameter taken during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC equals 1.4 for Biochemical Oxygen Demand, Total Suspended Solids, Oil and Grease and 1.2 for all other pollutants except pH);
  - (C) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
  - (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403 to halt or prevent such a discharge;
  - (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
  - (F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
  - (G) Failure to accurately report noncompliance.
  - (H) Any other violation or group of violations which may include a violation of Best Management Practices (BMP), which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.
- (43) Slug Discharge or Accidental Discharge. Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
  - (44) Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of the Pretreatment Resolution.
  - (45) Standard Industrial Classification or SIC. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.



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- (46) State. The State of Pennsylvania
- (47) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (48) Submission.
- (A) A request by the Municipal Sanitary Authority of the City of New Kensington for approval or modification of a Pretreatment Program to the EPA or a Director;
  - (B) A request by the Municipal Sanitary Authority of the City of New Kensington to the EPA or a Director for authority to revise the discharge limits in Categorical Pretreatment Standards to reflect POTW Treatment Plant pollutant removals; or
  - (C) A request to the EPA by an NPDES State for approval of its State Pretreatment Program.
- (49) Suspended Solids. the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (50) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of section 307(a) of the Act or other Acts.
- (51) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the Municipal Sanitary Authority of the City of New Kensington POTW.
- (52) Water Protection Division Director. A Director of the Water Protection Division within the Regional Offices of the Environmental Protection Agency or this person's delegated representative.
- (53) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

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**4.0 SELF-MONITORING, REPORTING, AND RECORDKEEPING**

**4.1 Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the wastewater discharged during the reporting period.

**4.2 Reporting of Monitoring Results**

- (A) Monitoring results obtained during each reporting period (Report and Measurement Frequency in Section 2 page 2) shall be summarized for that period and reported on a Discharge Monitoring Report (DMR) postmarked no later than the 28th day of the month following the end of the reporting period. Signed copies of these and all other reports required herein shall be submitted to the Municipal Sanitary Authority of the City of New Kensington.
- (B) If the Permittee monitors any pollutant using analytical methods described below more frequently than required by this Pretreatment Permit, the results of this monitoring shall be incorporated into the calculations used to report self-monitoring data on the DMR.

**4.3 Noncompliance Reporting**

**4.3.1 24-Hour Reporting**

The Permittee shall orally report to the Municipal Sanitary Authority of the City of New Kensington within twenty-four (24) hours of becoming aware of the following:

- (A) Actual or anticipated noncompliance with any term or condition of this Pretreatment Permit.
- (B) Actual or anticipated noncompliance with any "maximum daily" Discharge limitation which is identified in this Pretreatment Permit as being:
  - (1) A toxic or hazardous pollutant effluent standard established by EPA pursuant to Section 307(a) of the Act; or
  - (2) For a toxic or hazardous pollutant which, if not adequately treated, could constitute a threat to human health, welfare, or the environment; or

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- (3) Any pollutant identified as the method to control a toxic pollutant or hazardous substance (i.e. indicator pollutant)
- (C) Any unanticipated bypass which exceeds any effluent limitation in this Pretreatment Permit.
- (D) Where the Permittee orally reports this information within the aforementioned 24-hour time period, a written submission detailing the above information must be submitted to the Municipal Sanitary Authority of the City of New Kensington within five (5) days of becoming aware of such a condition unless this requirement is waived by the Municipal Sanitary Authority of the City of New Kensington upon receipt of the oral report.

**4.3.2 Other Noncompliance Reporting**

- (A) The Permittee shall give advance notice to the Municipal Sanitary Authority of the City of New Kensington of any planned changes to the permitted activity or facility which may result in a substantial change in the volume or character of pollutants in the discharge.
- (B) Where the Permittee knows in advance of the need for a bypass which will exceed effluent limitations, it shall submit prior notice to the Municipal Sanitary Authority of the City of New Kensington at least ten (10) days, if possible, before the date of the bypass.
- (C) The Permittee shall report all instances of noncompliance which are not reported as part of the previous instances at the time of DMR submission.

**4.3.3 Noncompliance Reporting Constituents**

The reports and notifications required above shall contain the following information:

- (A) A description of the Discharge and cause of noncompliance;
- (B) The period of noncompliance, including exact dates and times and/or the anticipated time when the Discharge will return to compliance; and
- (C) Steps being taken by the User to reduce, eliminate, and prevent recurrence of the non-complying Discharge.

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**4.4 Specific Toxic Substance Notification Levels**

The Permittee shall notify the Municipal Sanitary Authority of the City of New Kensington as soon as it knows or has reason to believe the following:

- (A) That any activity has occurred or will occur which results in the Discharge of any toxic pollutant which is not limited in the Pretreatment Permit if that discharge will exceed the highest of the following "notification levels":
  - (1) One hundred (100) micrograms per liter;
  - (2) One (1) milligram per liter for antimony;
  - (3) Five (5) times the maximum concentration as determined by the Municipal Sanitary Authority of the City of New Kensington.
- (B) That it has begun, or expects to begin, to use or manufacture, as an intermediate or final product or byproduct, any toxic pollutant which was not reported in the Pretreatment Permit Application.

**4.5 Test Procedures**

Unless otherwise specified in this Pretreatment Permit, the test procedures for the analysis of pollutants shall be those contained in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Municipal Sanitary Authority of the City of New Kensington or other persons, approved by the Administrator.

**4.6 Recording of Results**

For each measurement or sample taken pursuant to the requirements of this Pretreatment Permit, the Permittee shall record the following:

- (A) The date, exact place, method, and time of sampling;
- (B) The names of the person(s) obtaining the sample;
- (C) The dates analyses were performed;

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- (D) The person(s) who performed the analyses;
- (E) The analytical techniques/methods used; and
- (F) The results of such analyses.

**4.7    Records Retention**

All records of monitoring activities and results, including all original strip recordings for continuous monitoring instruments and calibration and maintenance records, copies of all Reports required by this Pretreatment Permit, and records of all data used to complete any reports and the Application for this Pretreatment Permit shall be retained by the Permittee for a minimum of three (3) years. Such records shall be made available for inspection and copying by the Director, Regional Administrator, and the Municipal Sanitary Authority of the City of New Kensington. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User, or when requested by the Director, Regional Administrator, or the Municipal Sanitary Authority of the City of New Kensington.

**4.8    Hazardous Waste Notification**

The Industrial User shall comply with the Hazardous Waste Notification Requirements established below:

- (1) The Industrial User shall notify the POTW, the EPA regional Waste Management Division Director, and State hazardous waste authorities in writing of any Discharge into the POTW of a substance, which, if otherwise disposed, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must occur within 180 days of the effective date of 40 CFR 403. Industrial Users who commence discharging after the effective date of 40 CFR 403 shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be

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submitted under Section 4.9 of this Permit. The notification requirements in this section does not apply to pollutants already reported under the self-monitoring requirements of Section 4.3 of this Permit.

- (2) Discharges are exempt from the requirements of paragraph (1) during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.30(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.30(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State Hazardous Waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

4.9 Notification of Changed Discharge

All Industrial Users of the wastewater system of the Municipal Sanitary Authority of the City of New Kensington shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).

4.10 Notification of Violation

If sampling performed by an Industrial user indicates a violation, the Industrial User shall notify the Municipal Sanitary Authority of the City of New Kensington within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. The Industrial User is not required to re-sample if:

- (A) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month; or

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- (B) The Control Authority performs sampling at the Industrial User between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling.

**4.11 Signed Reports**

All I.U. reports must be signed by an authorized representative (see definitions/as described in section 3.0 (4) of the Permit), and contain the certification statement (as described in 403.6(a) (2) (ii) of 40 CFR) as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**4.12 Significant Industrial Users are Required to Prevent Slug or Accidental Discharges**

**4.12.1 Slug or Accidental Discharges**

Each industrial user shall provide protection from accidental or slug discharges of prohibited materials or other substances regulated by this Permit. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the owner or industrial user's own cost and expense. Detailed plans showing facilities and a complete description of the operating procedures implemented to provide this protection shall be submitted to MSANK upon request.

Review and approval of such plans and operating procedures shall not relieve the Permittee from the responsibility to modify the industrial user's facility as necessary to meet the requirements of the permit.

A complete description of operating procedures must include, but not be limited to the following:

- (A) A listing of all stored chemicals, including the type and nature of chemicals, maximum quantity stored, and any safety procedures to be followed if an accidental discharge occurs;

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(B) A description of discharge practices, including non-routine batch discharges, and

(C) A description of procedures to prevent adverse impact from accidental or slug discharges, including, but not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, employee training, building of containment structures or equipment for emergency purposes.

**4.12.2 Significant Industrial Users are required to notify MSANK immediately of any changes at the facility affecting the potential for a slug discharge**

**Notifications**

In the case of an accidental or slug discharge or any discharge that could cause problems at the MSANK sewage treatment plant, it is the responsibility of the industrial user to immediately telephone and notify MSANK personnel of the incident. The notification shall include the location of discharge, type of waste discharged, concentration and volume of the waste discharged and corrective actions.

Within five days following an accidental or slug discharge, the industrial user shall submit to MSANK a detailed written report describing the cause of the discharge and the measures taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage to the POTW, fish kills or any other damage to person or property, nor shall such notification relieve the industrial user of any fines, civil penalties or other liability that may be imposed by the permit or other applicable law.

**4.12.3 Implementation**

The permittee shall implement the spill or slug control plan called \_\_\_\_\_, which was submitted to the Control Authority on \_\_\_\_\_.



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**4.13 Significant Industrial Users must report on compliance with Best Management Practice based categorical standards or local limits**

The Permittee is required to report on compliance with applicable Best Management Practice (BMP) based categorical pretreatment standards or local limits stipulated in the permit. A self-monitoring report that does not include required information on an applicable Best Management Practice or other required notification such as notification of the discharge of hazardous waste or a change in the potential for a slug discharge will be considered an incomplete report, subject to enforcement action.

**4.13.1 Documentation of Compliance With Best Management Practice requirements must be maintained as part of the Significant Industrial User and MSANK's record keeping requirements**

As part of the Permittee's record keeping requirements, the Permittee is required to maintain documentation of compliance with any Best Management Practice based categorical pretreatment standards or local limits stipulated in the permit.

**MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**  
**PRETREATMENT PERMIT**  
(Continued)

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**5.0 MANAGEMENT REQUIREMENTS**

**5.1 Pretreatment Permit Modification, Termination or Revocation and Reissuance**

- (A) This Pretreatment Permit may be modified, terminated, or revoked and reissued during its term for any of the causes specified in the Pretreatment Resolution.
- (B) The filing of a request by the Permittee for Pretreatment Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Pretreatment Permit condition.

**5.2 Duty to Provide Information**

- (A) The Permittee shall furnish to the Municipal Sanitary Authority of the City of New Kensington within a reasonable time any information which the Municipal Sanitary Authority of the City of New Kensington may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Pretreatment Permit, or to determine compliance with this Pretreatment Permit.
- (B) The Permittee shall furnish to the Municipal Sanitary Authority of the City of New Kensington, upon request, copies of records required to be kept by this Pretreatment Permit.
- (C) Where the Permittee becomes aware that it has failed to submit any relevant facts in a Pretreatment Permit Application, or submitted incorrect information in a Pretreatment Permit Application or in any Report to the Municipal Sanitary Authority of the City of New Kensington, it shall promptly submit such facts or information to the Municipal Sanitary Authority of the City of New Kensington.
- (D) The Permittee shall give advance notice to the Municipal Sanitary Authority of the City of New Kensington of any planned physical alterations or additions to the permitted facility.

**5.3 Bypassing**

**5.3.1 Bypassing not Exceeding Pretreatment Permit Limitations**

The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if the bypass is for essential maintenance to assure efficient operation. This type of bypassing is not subject to the reporting and notification requirements of Section 4.3 of this Pretreatment Permit.

**THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON  
PRETREATMENT PERMIT  
(Continued)**

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**5.3.2 Other Bypassing**

In all other situations, bypassing is prohibited unless the following conditions are met:

- (A) A bypass is unavoidable to prevent loss of life, personal injury or severe property damage;
- (B) There are no feasible alternatives to a bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down-time. This condition is not satisfied if the Permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment down-time or preventative maintenance; and
- (C) The Permittee submitted the necessary reports required under Section 4.3 of this Pretreatment Permit.

**5.4 Adverse Impact**

The Permittee shall take all reasonable steps to minimize or correct any adverse impact on human health, welfare, and/or the environment resulting from noncompliance with this Pretreatment Permit.

**5.5 Facilities Operation**

The Permittee shall, at all times, maintain in good working order and properly operate all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the Permittee for water pollution control and abatement to achieve compliance with the terms and conditions of this Pretreatment Permit. Proper operation and maintenance includes, but is not limited to, effective performance based upon designed facility removals, adequate funding, effective management, adequate operator staffing and training, and adequate laboratory and processing controls including appropriate quality assurance procedures. This provision includes the operation and backup of auxiliary facilities or similar systems when necessary to achieve compliance with this Pretreatment Permit.

**THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**  
**PRETREATMENT PERMIT**  
**(Continued)**

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**5.6**    **Reduction, Loss, or Failure of Treatment Facilities**

Upon reduction, loss, or failure of the treatment facilities, and in order to maintain compliance with its Pretreatment Permit, the Permittee shall control production and all discharges until either the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**5.7**    **Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed in a manner such as to prevent any pollutant from such materials from adversely affecting human health, welfare, or the environment.

**MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**  
**PRETREATMENT PERMIT**  
(Continued)

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**6.0 RESPONSIBILITIES**

**6.1 Right of Entry**

Pursuant to Section 4.5 of the Pretreatment Resolution, the Permittee shall allow the Municipal Sanitary Authority of the City of New Kensington General Manager and/or his authorized representative(s), upon the presentation of credentials and other documents as may be required by law:

- (A) To enter upon and have access to all parts of the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this Pretreatment Permit;
- (B) At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this Pretreatment Permit; to inspect any monitoring equipment or monitoring method required by this Pretreatment Permit; to inspect any collection, treatment, pollutant management, and/or discharge facilities required under this Pretreatment Permit; and to sample any substances or parameters at any location.

**6.2 Transfer of Ownership or Control**

- (A) No Pretreatment Permit may be transferred unless approved by the Municipal Sanitary Authority of the City of New Kensington.
- (B) In the event of any pending change in control or ownership of facilities from which the authorized Discharge emanates, the Permittee shall notify the Municipal Sanitary Authority of the City of New Kensington by letter of such pending change at least thirty (30) days prior to the change in ownership or control.
- (C) The letter shall be accompanied by the appropriate Municipal Sanitary Authority of the City of New Kensington forms for transfer of this Pretreatment Permit, and a written agreement between the existing Permittee and the new owner or controller stating that the existing Permittee shall be liable for violations of this Pretreatment Permit up to and until the date of Pretreatment Permit transfer, and that the new owner or controller shall be liable for Pretreatment Permit violations from the date forward.
- (D) After receipt of the documentation required above, the Municipal Sanitary Authority of the City of New Kensington shall notify the existing Permittee and

**THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**  
**PRETREATMENT PERMIT**  
(Continued)

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the new owner or controller of its decision concerning approval of the transfer. In approving the transfer, the Municipal Sanitary Authority of the City of New Kensington may modify or revoke and reissue this Pretreatment Permit.

- (E) In the event that the Municipal Sanitary Authority of the City of New Kensington does not approve transfer of this Pretreatment Permit, the new owner or controller must promptly submit a new Pretreatment Permit Application.

**6.3 Confidentiality of Reports**

Except for data determined to be confidential under 25 Pa. Code, Chapter 92 and 40 CFR Part 2.302, all reports prepared in accordance with the terms of the Pretreatment Permit shall be available for public inspection at the office of the Municipal Sanitary Authority of the City of New Kensington. Effluent data shall not be considered confidential.

**6.4 Penalties and Liability**

- (A) Nothing in this Pretreatment Permit shall be constructed to relieve the Permittee from civil penalties for noncompliance pursuant to Section 6 of the Pretreatment Resolution, including penalties of up to \$25,000.00 per violation per day.
- (B) Nothing in this Pretreatment Permit shall be constructed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 5 and 6 of the Pretreatment Resolution.

**6.5 Property Rights**

The issuance of this Pretreatment Permit does not convey any property rights in either real or personal property, or any exclusive privileges; nor does it authorize any injury to private property or any invasion of personal rights.

**6.6 Other Laws**

Nothing herein contained herein shall be constructed to be an intent on the part of the Municipal Sanitary Authority of the City of New Kensington to approve any act made or to be made by the Permittee inconsistent with the Permittee's lawful powers or with existing laws of the Commonwealth regulating industrial and sewage wastes and the practice of professional engineering, nor shall this Pretreatment Permit be construed to sanction any act otherwise forbidden by Federal or State law or regulations, or by local Ordinance. Nor does this Pretreatment Permit preempt any duty to obtain State or local assent required by law for the Discharges.

**THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**  
**PRETREATMENT PERMIT**  
**(Continued)**

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**6.7 Severability**

The provisions of this Pretreatment Permit are severable, and if any provision of this Pretreatment Permit or the application of any provision of this Pretreatment Permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this Pretreatment Permit shall not be affected thereby.

MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON  
PRETREATMENT PROGRAM  
INDUSTRIAL USER SELF-MONITORING REPORT FORM

Facility Name: \_\_\_\_\_

Facility Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Facility Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Were all Samples collected representative of a normal production cycle?

☐ Yes ☐ No

The Samples collected were: ☐ Grab ☐ Composite \_\_\_\_\_ Hours

If Composite Sampling was performed, indicate sampling method (e.g. Automatic Sampler, Combination of Grab Samples) and Sample Frequency.

Date(s) of Sample Collection: \_\_\_\_\_

Time(s) of Sample Collection: \_\_\_\_\_

Attach a copy of the Sample Collection Log. ☐ Yes ☐ No

Indicate Sampling Location: \_\_\_\_\_

Analyses have been performed: ☐ On-Site  
☐ By a Contract Laboratory

All Samples have been analyzed in accordance with procedures established by the United States Environmental Protection Agency pursuant to Section 304 (g) of the Clean Water Act and contained in 40 CFR Part 136, as amended.

☐ Yes ☐ No

Attach a copy of actual Laboratory Results. ☐ Yes ☐ No



Provide the following information:

POLLUTANT	Discharge		Sample Results mg/L	Sample Results mg/L	Sample Type	EPA Test Method
	Surcharge Limits	Fine Limits				
Zinc (Zn)	----	1.99/1.69 mg/l				
LEAD (Pb)	----	0.17/0.34 mg/l				
COPPER (Cu)	----	0.69/1.89 mg/l				
pH	----	8.0-11.5 S.U.				
CADMIUM (Cd)	----	0.11/0.36 mg/l				
T.CHROMIUM (Cr)	----	6.58/2.23 mg/l				
SILVER (Ag)	----	0.56/0.31 mg/l				
TOTAL METALS (Cu, Ni, Cr, Zn)	----	10.6/5.0 mg/l				
NICKEL (Ni)	----	0.22/1.99 mg/l				
T.CYANIDE (CN)	----	0.12/0.53 mg/l				
FLOW	----	---				
TTO	----	2.13 mg/l				

Have any violations occurred since the submission of the last self-monitoring report?

( ) Yes ( ) No

If Yes, describe:

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This is to be signed by an authorized official of your firm after adequate completion of this form and review of the information by the signing official.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Title

Name

Date

Signature of Official  
(Seal if Applicable)

**CERTIFICATE OF SERVICE**


I hereby certify that on February 2, 2018 a true and correct copy of the Petition for Review of Pretreatment Permit was served on the following:

**VIA Certified Mail:**

Joe Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the City of New Kensington  
20 Logans Ferry Rd, New Kensington, PA 15068

**VIA First Class Mail:**

Larry Loperfido, Esquire  
Counsel for Municipal Sanitary Authority of the City of New Kensington  
Geary & Loperfido  
159 Lincoln Avenue  
Vandergrift, PA 15690

  
Attorney For Petitioner  
Harry F. Klodowski, Esq.  
PA ID 30569  
Elizabeth Rubenstein, Esq.  
PA ID 323254

Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
724-940-4000  
[harry@klodowskilaw.com](mailto:harry@klodowskilaw.com)  
[lizzie@klodowskilaw.com](mailto:lizzie@klodowskilaw.com)

## VERIFICATION

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I, **DANIEL H. ROWE, JR., Manager**, do hereby verify that the averments contained in the aforesaid are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON

Dated:

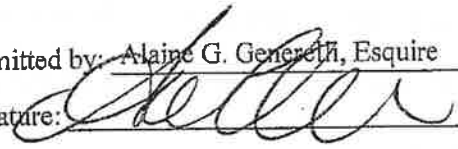
1/24/2019

  
\_\_\_\_\_  
DANIEL H. ROWE, JR., Manager

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Alaine G. Generelli, Esquire

Signature: 

Name: Alaine G. Generelli, Esquire

Attorney No. (if applicable): 307603

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA  
CIVIL DIVISION

KEYSTONE RUSTPROOFING, INC.,

Plaintiff,

vs.

THE MUNICIPAL SANITARY  
AUTHORITY OF THE CITY OF NEW  
KENSINGTON, PA,


Defendant.

CASE NO: 87 of 2019

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Respondent's Preliminary Objections to Petition for Review of Penalty Assessment has been served on the following individual via First Class United States Mail, postage prepaid and Facsimile on this 24<sup>th</sup> day of January 2019:

Harry F. Klodowski, Jr., Esquire  
Elizabeth Rubenstein, Esquire  
*Hull & Klodowski, LLC*  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
Facsimile: 724-940-4048

  
ALAIN G. GENERELLI, ESQUIRE  
Pa Supreme Court I.D. # 307603  
*Attorney for Defendant*

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA  
CIVIL DIVISION

KEYSTONE RUSTPROOFING, INC.,

Petitioner,

vs.

CASE NO: 87 of 2019

THE MUNICIPAL SANITARY  
AUTHORITY OF THE CITY OF NEW  
KENSINGTON, PA,

Respondent.

ORDER OF COURT

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2019, upon review of the Respondent's Preliminary Objections to Petitioner's Petition for Review of Penalty Assessment, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

1. The Preliminary Objections for the pendency of a prior action are **SUSTAINED** and the Petition for Review of Penalty Assessment is **DISMISSED**.

2. The Preliminary Objection on the basis of legal insufficiency/failure to state a claim upon which relief can be granted are hereby **SUSTAINED** and the Petition for Review of Penalty Assessment is **DISMISSED**.

3. The Preliminary Objection for the inclusion of scandalous or impertinent matter are **SUSTAINED**; the following language is hereby **STRICKEN** from Keystone's Petition of Penalty Assessment:

- a. The penalties imposed by MSANK due to violations of its 2018 Permit are excessive because they rely on violation of permits limits which are "invalid" and are "not calculated as required by law";

- b. The discharge limits are "arbitrary, capricious, an abuse of discretion, and beyond MSANK's legal authority." See Paragraph 12 of the Petition for Review;
- c. "MSANK incorrectly evaluated these penalty considerations..." See the Petition for Review of Penalty Assessment Paragraph 13;
- d. MSANK "improperly counted multiple violations for samples on the same day..." See the Petition for Review of Penalty Assessment Paragraph 13 (a);
- e. MSANK is "thereby inflating the number of alleged violations double counting violations from the same conduct and therefore inflating the penalty amount." See the Petition for Review of Penalty Assessment Paragraph 13 (c);
- f. MSANK is "exaggerating the claimed number of violations." See the Petition for Review of Penalty Assessment Paragraph 13 (d);
- g. MSANK "incorrectly calculated violations... and therefore calculated the penalties improperly." See the Petition for Review of Penalty Assessment Paragraph 13 (e);
- h. "It is irrational for MSANK to set limits..." See the Petition for Review of Penalty Assessment Paragraph 13 (i);
- i. "The calculations rely on an inflated number of alleged violations and arrive at an excessive penalty." See the Petition for Review of Penalty Assessment Paragraph 13 (j);
- j. MSANK "erred in overcounting the number of violations penalties..." See the Petition for Review of Penalty Assessment Paragraph 13 (m);
- k. MSANK's "minimum fine "guidance" is arbitrary and contrary to law and results in the calculation of excessive penalties." See the Petition for Review of Penalty Assessment Paragraph 13 (n);
- l. "MSANK has no basis to conclude this element of the penalty is necessary to deter future violations." See the Petition for Review of Penalty Assessment Paragraph 13 (o);
- m. "This penalty assessment is not related to the alleged violations at issue, is excessive and duplicates other elements of the penalty calculation, in part because the number of violations has been overstated..." See the Petition for Review of Penalty Assessment Paragraph 13 (p); and

n. MSANK's "practice ... is not applicable or reasonable, and results in the calculation of excessive penalties." See the Petition for Review of Penalty Assessment Paragraph 13 (q).

4. The Preliminary Objections on the basis of failure of pleading to conform Pa.R.C.P. No. 1018. are hereby SUSTAINED and the Petition for Review of Permit Assessment is STRICKEN.

5. The Preliminary Objections on the basis of failure of pleading to conform to Pa.R.C.P. Rule 1022 are hereby SUSTAINED and the Petition for Review of Permit Assessment is STRICKEN.

BY THE COURT:

\_\_\_\_\_, J



IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA  
CIVIL DIVISION

KEYSTONE RUSTPROOFING, INC.,

Petitioner,

vs.

THE MUNICIPAL SANITARY  
AUTHORITY OF THE CITY OF NEW  
KENSINGTON, PA,

Respondent.

CASE NO: 87 of 2019

ORDER OF COURT

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2019, it is hereby ORDERED,  
ADJUDGED AND DECREED that an argument will be held on Respondent's Preliminary  
Objections to Petitioner's Petition for Review of Pretreatment Permit on the \_\_\_\_ day of  
\_\_\_\_\_, 2019 at \_\_\_\_\_ o'clock, \_\_\_\_ M. before the Honorable  
\_\_\_\_\_ in Courtroom No: \_\_\_\_\_ of the Westmoreland County Courthouse,  
Greensburg, Pennsylvania 15601.

The brief of the Respondent is due on the \_\_\_\_ day of \_\_\_\_\_, 2019.

The brief of the Petitioner is due on the \_\_\_\_ day of \_\_\_\_\_, 2019.

BY THE COURT:

\_\_\_\_\_, J.



KLODOWSKI LAW LLC  
6400 BROOKTREE COURT, SUITE 250  
WEXFORD, PENNSYLVANIA 15090  
Klodowskilaw.com

Harry F. Klodowski, Jr.  
Email: [Harry@Klodowskilaw.com](mailto:Harry@Klodowskilaw.com)

Telephone: (724) 940-4000  
Facsimile: (724) 940-4048

January 17, 2019

***VIA Certified Mail***

Mr. Joe Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the City of New Kensington  
120 Logans Ferry Rd  
New Kensington, PA 15068

Re: Keystone Rustproofing Inc v. The Municipal Sanitary Authority of the City of  
New Kensington

Dear Mr. Ditty:

Enclosed is a copy of our Petition for Review of the 2019 Permit which has been filed in  
the Westmoreland County Court of Common Pleas.

Sincerely,



Harry Klodowski

Enclosures

cc: L. Vogel

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW**

KEYSTONE RUSTPROOFING, INC.

Petitioner

vs.

THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON, PA

Respondent

NO.

APPEAL OF PERMIT

**PETITION FOR REVIEW OF PRETREATMENT PERMIT**

Pursuant to the Local Agency Law, 2 PA. C.S.A. §§ 551, 751, 752 and 754(a); 42 Pa.C.S. §§ 762 and 933(a)(3); and Pa.R.A.P. 1502, Petitioner Keystone Rustproofing, Inc., by its undersigned attorneys respectfully represent that:

1. Keystone Rustproofing "Keystone" is a metal finishing company located at 1901 Dr. Thomas Boulevard Arnold, Westmoreland County, Pennsylvania 15068.
2. Federal, State and Local laws require some industrial plants who discharge to municipal sewers and municipal sewage treatment plants (or Publicly Owned Treatment Works "POTW") to have a "Pretreatment Permit" to discharge the industrial wastewater to the POTW, who will send their water discharge to surface water, in this case the Allegheny River.
3. Respondent Municipal Sanitary Authority of New Kensington ("MSANK") operates a POTW and issues pretreatment permits under authority of a municipal ordinance that generally incorporates federal and state standards.

4. The Municipal Sanitary Authority of the City of New Kensington ("MSANK") issued 2019 Pretreatment Permit, No. SMJ-000040, ("the Permit") to Keystone to discharge industrial waste into New Kensington's POTW. These permits are issued for one year terms. (The Permit is attached as Exhibit A).
5. Keystone received the Permit on January 4, 2019.
6. MSANK's Ordinance and the permit do not set a procedure for appeal of MSANK Pretreatment Permits. However, the New Kensington Sewage Ordinance and MSANK Industrial Pretreatment Program Resolution provide Keystone has a right to appeal this permit to this Court New Kensington Ordinance § 169-42, Appeals, provides:

The user shall have such right of appeal to the Court of Common Pleas having jurisdiction as is provided for under Section 7(b) of the Publicly Owned Treatment Works Penalty Law, the Local Agency Law, 2 Pa. C.S.A. §§ 551 et seq. and 751 et. seq., or Judicial Code, 42 Pa. C.S.A. § 762.
7. According to Pennsylvania Rule of Appellate Procedure 1502, the Petition for Review is the appropriate form for judicial review of a determination of a government unit.
8. MSANK is a "Government unit" as defined in Pennsylvania Rule of Appellate Procedure 102.
9. MSANK is a "Local Agency" as defined in 2 Pa. C.S.A. Sections 101 and 551.
10. The Permit is an "adjudication" of a local agency as these terms are defined in 2 Pa. C.S.A. § 101 and 551.
11. Keystone is authorized to appeal the Permit to this Court under 2 Pa. C.S.A. § 752.
12. Keystone is authorized to request an Appeal de novo under 2 Pa. C.S.A. § 754(a).
13. The Court of Common Pleas has jurisdiction for appeals arising from from local agency actions pursuant to 42 Pa.C.S. § 933(a)(3).

14. Keystone appeals the 2019 Permit because the discharge limits set in the Permit are arbitrary, capricious, an abuse of discretion and contrary to legal authority.
15. The discharge limits in the Permit are invalid, arbitrary, capricious an abuse of discretion and beyond legal authority, for the following reasons:
  - a. The Permit has set maximum daily limits for certain parameters; copper, nickel, lead, cyanide and cadmium where the maximum daily limit is lower than the monthly average limit, which is arbitrary, capricious and irrational as a matter of basic arithmetic;
  - b. The Permit sets limits for Keystone's discharge to MSANK'S sewage treatment plant that are more strict than federal standards for drinking water for Zinc, Copper, and Cyanide;
  - c. The Permit purports to have both daily maximum and monthly average limits for most chemicals, but the sampling done every two months as specified in the permit does not allow for the calculation of a monthly average limit, so the monthly average value cannot be calculated;
  - d. The Permit sets limits for chemicals that have no corresponding limits in MSANK's discharge to the Allegheny River;
  - e. Keystone's discharge to MSANK's POTW is regulated for the chemicals Zinc, Lead, Copper, Cadmium, Chromium, Silver, Nickel, Mercury and Arsenic;
  - f. On information and belief, MSANK's discharge permit to the Allegheny River does not contain limits for Zinc, Lead, Copper, Cadmium, Chromium, Silver, Michel, Mercury and Arsenic;
  - g. Keystone's discharge to MSANK does not cause MSANK to violate any of MSANK's permit limits;

- h. The metals regulated in Keystone's permit are controlled in the Keystone on site treatment plant, where most of the metals dissolved or suspended are turned into solids, and sent to landfills for disposal;
- i. Keystone's discharge to MSANK does not cause any interference with MSANK's treatment plant;
- j. Keystone's discharge to MSANK does not create any conditions detrimental to the collection system infrastructure or create any danger to MSANK workers;
- k. Keystone's discharge to MSANK does not cause any pass through of any metals that MSANK regulates in Keystone's permit;
- l. On information and belief, most of the metals remaining in the water Keystone discharges to MSANK are removed from the water and are contained in treatment plant sludge, which are sent to landfills for disposal;
- m. MSANK advised Keystone that MSANK imposed stricter limits on Keystone than is required by EPA Categorical standards to decrease the amount of the metals contained in MSANK's sludge, following a mathematic model which uses numerous assumptions;
- n. In 2011, MSANK disposed of POTW sludge by landfilling the sludge.
- o. On information and belief, in 2018, MSANK disposed of POTW sludge by landfilling the sludge;
- p. MSANK did not change its sludge disposal practices as a result of imposing lower metals limits on Keystone's discharges;
- q. On information and belief, EPA encouraged MSANK to lower Keystone's metals discharge limits so MSANK would meet goals, not requirements, for exceptional quality sludge. Goals are not legally binding requirements;

- r. The local limits imposed upon Keystone in an unsuccessful effort to create "better" sludge is beyond MSANK's legal authority, arbitrary, capricious and an abuse of discretion;
  - s. The Lower Local Permit Limits imposed by MSANK have caused Keystone to assume additional costs in improving its treatment system, additional engineering fees and laboratory analysis costs and exposure to fines and penalties;
  - t. The Permit limits are set significantly below USEPA's pretreatment regulations for this industry as set forth in 40 C.F.R. 433.17;
  - u. To the extent MSANK is able to promulgate standards more strict than federal standards, MSANK did not follow procedures established by USEPA or provide Keystone Notice and an opportunity to comment on these limits; and
  - v. Such other reasons as may be determined in Discovery.
16. The arbitrary, capricious, irrational, illegal and very low discharge standards set by MSANK results in harm to the Petitioner as Keystone is exposed to excessive enforcement actions, including penalties, and additional treatment costs resulting from attempts to meet the very low discharge limits set by MSANK.

WHEREFORE, Keystone Rustproofing requests this Honorable Court to: (a) vacate the permit limits; (b) direct MSANK to set permit limits following C.F.R. § 413.15; (c) remand the Permit to MSANK with instructions to set daily maximum limits above federal drinking water standards and the monthly average limits; and such further relief as the Court deems appropriate.

Respectfully Submitted



Attorney For Petitioner



Harry F. Klodowski, Esq.  
PA ID 30569

Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
724-940-4000  
[harry@klodowskilaw.com](mailto:harry@klodowskilaw.com)

SECTION 1.0  
MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON  
INDUSTRIAL PRETREATMENT PERMIT  
PERMIT NO. SMJ-000040

IN ACCORDANCE WITH THE PROVISIONS OF THE INDUSTRIAL PRETREATMENT PROGRAM OF THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON AS ADOPTED BY A RESOLUTION DATED APRIL 5, 1994.

**KEYSTONE RUSTPROOFING**  
1901 DR. THOMAS BLVD.  
ARNOLD, PA 15068

IS HEREBY AUTHORIZED TO DISCHARGE INDUSTRIAL WASTEWATER FROM THE ABOVE IDENTIFIED FACILITY AND THROUGH THE OUTFALLS IDENTIFIED HEREIN INTO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON'S SEWER SYSTEM IN ACCORDANCE WITH THE CONDITIONS SET FORTH IN THIS PERMIT. COMPLIANCE WITH THIS PERMIT DOES NOT RELIEVE THE PERMITTEE OF ITS OBLIGATION TO COMPLY WITH ANY OR ALL APPLICABLE PRETREATMENT REGULATIONS, STANDARDS OR REQUIREMENTS UNDER LOCAL, STATE, AND FEDERAL LAWS, INCLUDING ANY SUCH REGULATIONS, STANDARDS, REQUIREMENTS, OR LAWS THAT MAY BECOME EFFECTIVE DURING THE TERM OF THIS PERMIT.

NONCOMPLIANCE WITH ANY TERM OR CONDITION OF THIS PERMIT WILL CONSTITUTE A VIOLATION OF THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON'S INDUSTRIAL PRETREATMENT PROGRAM RESOLUTION, AND WOULD BE GROUNDS FOR ENFORCEMENT ACTION.

THIS PERMIT SHALL BECOME EFFECTIVE ON JANUARY 1, 2019 AND WILL EXPIRE AT MIDNIGHT ON DECEMBER 31, 2019.

NOTIFICATION OF INTENT TO CEASE DISCHARGE MUST BE SUBMITTED TO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON AT LEAST 180 DAYS PRIOR TO THE PRETREATMENT PERMIT EXPIRATION DATE.

AN APPLICATION FOR A RENEWAL PERMIT MUST BE SUBMITTED TO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON AT LEAST 180 DAYS PRIOR TO THE PRETREATMENT PERMIT EXPIRATION DATE. THE APPLICATION MUST BE SUBMITTED ON AN ANNUAL BASIS THEREFORE AN APPLICATION FOR A NEW PERMIT MUST BE SUBMITTED TO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON BY JUNE 28<sup>TH</sup> OF EACH YEAR.

  
THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON PA

JOSEPH F. DITTY  
PRETREATMENT COORDINATOR

DATE

JFD/rla  
pc: File

1 of 27



# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

IN THE MATTER OF

KEYSTONE RUSTPROOFING, INC.  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068

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NOTICE OF VIOLATION  
ISSUANCE DATE:  
January 17, 2019

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington (MSANK) is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Keystone Rustproofing was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000040.
4. The discharge permit issued to Keystone Rustproofing contained numerical limits on the concentrations of pollutants, which Keystone Rustproofing could discharge and self-monitoring requirements.
5. The Self-Monitoring Report chain of custodies for August 31, 2018 and September 7, 2018 had line 2 received by signature, date and time information missing.
6. The Municipal Sanitary Authority conducted a wastewater sample event on November 29-30, 2018 at the Keystone Rustproofing permitted discharge, which was split with Keystone (results received on January 17, 2019 were averaged). Test results from this sampling event indicated exceedences of permit limits as follows:

Date	Pollutant	Analytical Results	Permit Limit (Max/TRC)
11/29-30/18	Zinc	2.565 mg/l	1.990 mg/l / 2.388 mg/l
11/29-30/18	Nickel	0.432 mg/l	0.220 mg/l / 0.264 mg/l
11/29-30/18	Total Cyanide	0.644 mg/l	0.120 mg/l / 0.144 mg/l



Date	Pollutant	Analytical Results	Permit Limit (Avg/TRC)
11/29-30/18	Zinc	2.565 mg/l	1.690 mg/l / 2.028 mg/l
11/29-30/18	Total Cyanide	0.644 mg/l	0.530 mg/l / 0.636 mg/l

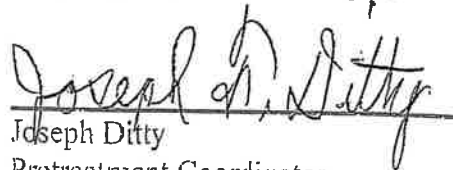
### NOTICE OF VIOLATION

#### NOTICE

**THEREFORE, BASED ON THE ABOVE FINDINGS KEYSTONE RUSTPROOFING, INC. IS HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, Keystone Rustproofing, Inc. shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, Keystone Rustproofing, Inc. shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed:



Joseph Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068



# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

IN THE MATTER OF

KEYSTONE RUSTPROOFING, INC.  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068

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\*  
\*  
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NOTICE OF VIOLATION

ISSUANCE DATE:

January 29, 2019

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington (MSANK) is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Keystone Rustproofing was issued a discharge permit. Pretreatment Discharge Permit No. SMJ-000040.
4. The discharge permit issued to Keystone Rustproofing contained numerical limits on the concentrations of pollutants, which Keystone Rustproofing could discharge and self-monitoring requirements.
5. The Self-Monitoring Report chain of custodies for August 31, 2018 and September 7, 2018 had line 2 received by signature, date and time information missing.
6. Keystone Rustproofing conducted a wastewater sample event on December 13-14, 2018 at the Keystone Rustproofing permitted discharge. Test results from this sampling event indicated exceedences of permit limits as follows:

Date	Pollutant	Analytical Results	Permit Limit (Max/TRC)
12/13-14/18	Nickel	0.421 mg/l	0.220 mg/l / 0.264 mg/l
12/13-14/18	Total Cyanide	0.950 mg/l	0.120 mg/l / 0.144 mg/l





Date	Pollutant	Analytical Results	Permit Limit (Avg/TRC)
12/13-14/18	Total Cyanide	0.950 mg/l	0.530 mg/l / 0.636 mg/l

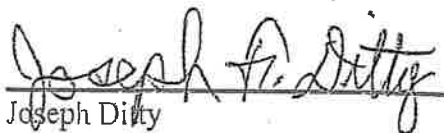
## NOTICE OF VIOLATION

### NOTICE

**THEREFORE, BASED ON THE ABOVE FINDINGS KEYSTONE RUSTPROOFING, INC. IS HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, Keystone Rustproofing, Inc. shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, Keystone Rustproofing, Inc. shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed:



Joseph Ditty

Pretreatment Coordinator

Municipal Sanitary Authority of the  
City of New Kensington

120 Logans Ferry Road

New Kensington, PA 15068



March 5, 2019

Mr. Joseph Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

Mr. Ditty:

This letter is to inform you that we are implementing recommendations contained in the "Root-Cause" analysis report submitted to the Authority on January 18, 2019. Specifically, we are proceeding with the following:

#### Cyanide Pretreatment System

- An evaluation is being conducted of the possible benefits of more hydraulic and wasteload equalization (i.e., less stopping and starting of the treatment system).
- A series of samples of the cyanide pretreatment system effluent will be collected for total cyanide and cyanide amenable to chlorination to determine if any, and to what extent, amenable cyanide may be passing through the alkaline chlorination pretreatment system.
- Treatability testing will be conducted.
- We are in the process of ensuring that potential inferences for cyanide analysis are adequately addressed both for the short-term sampling episodes and treatability testing listed above and routine indirect discharge permit compliance monitoring.

#### Metals Precipitation System

- As with the cyanide pretreatment system, an evaluation is being conducted of the possible benefits of more hydraulic and wasteload equalization (i.e., less stopping and starting of the treatment system).
  - A series of short-term sampling episodes will be conducted where the system influent and clarifier effluent are sampled for total and dissolved metals by discrete grab samples throughout the course of the day. These results can be used to assess effluent variability throughout the day and the possible benefits of waste load equalization.
  - A series of short-term sampling episodes will be conducted whereby total and dissolved metals of the clarifier effluent are measured by several discrete grab samples throughout a treatment "run", (i.e., the 20-minute period when the clarifier is receiving flow). If the metals concentrations of the effluent are generally greater at the beginning or end of the treatment "run", then less "stopping and starting" would conceptually be beneficial.



- A recommendation from the root-cause analysis was to investigate use of ion exchange resin for rinse bath recirculation in addition to those currently being used for the nickel rinses to potentially further reduce the metals loading to the WWTP. We have determined that ion exchange on other rinse baths would not be practical because of the number of hours of zinc production on those lines will not allow adequate time for the ion exchange to keep the rinses clean enough. Also, there are multiple places copper is cleaned in different process so it would not be practical to use ion exchange on all of these.
- A recommendation from the root-cause analysis was to provide a cover for the compliance sampling location to reduce the potential for inadvertent and unintended sample contamination. We have provided a cover for the sampling location.
- A recommendation from the root-cause analysis was to replace composite sample tubing and the composite sample container monthly. We have implemented this recommendation.

While we continue our investigations with the goal of improving treatment, Keystone reiterates that the currently effective local limits are unreasonable and inequitable. More reasonable and equitable local limits for metals and cyanide as allowed under the applicable pretreatment regulations, and as explained in our memorandum of July 2018, should be developed and implemented.

We provided an explanation via email regarding low pH results found at the discharge location during the Authority's sampling effort. We believe the result was related to operation and cleaning of the ultrafiltration unit that is part of our wastewater treatment system.

Thank You,



Larry Vogel  
Keystone Rustproofing



KEYSTONE RUSTPROOFING  
1901 DR. THOMAS BLVD.  
ARNOLD, PA 15068  
PHONE: 724-339-7588

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March 5, 2019

Mr. Daniel H. Rowe, Jr., Manager  
Municipal Sanitary Authority of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

Re: Notices of Violation  
January 17, 2019, & January 29, 2019

Dear Mr. Rowe:

This letter is Keystone's response to the NOV's dated January 17, 2019, for the month of November 2018, and January 29, 2019 for the month of December 2018, both of which were received on February 7, 2019.

The NOV's identify Zinc above permit limits for monthly and daily maximum in November. The November 30 Zinc number was 2.56 compared to a maximum daily limit of 1.99, and monthly average limit of 1.6. As has been pointed out in earlier correspondence, the daily maximum result does meet the federal categorical limit of 2.6. The Zinc results had been in compliance with the permit limits for August, October and December, 2018.

The NOV's state that Nickel was 0.432 mg/l in November and 0.421 mg/l in December. These results are about double the limits in the permit, which improperly sets a daily maximum limit at 0.22 mg/l, which is about 10% of the monthly average limit of 1.99 mg/l. These results are about one tenth of the federal categorical limit of 3.98 mg/l for daily maximum and about one quarter of the federal monthly average limit of 2.07 mg/l. These results pass the federal standard. Furthermore, when the Authority sets a daily maximum limit below the average limit, any violation will be illegally double counted as both a daily and a monthly average violation. These results should at most be a single violation.

The Cyanide results were reported to be 0.67 mg/l for November and 0.95 mg/l for December, compared to a permit limit of 0.12 mg/l maximum and 0.53 mg/l monthly average. The federal standard for CN is 1.2 mg/l daily maximum, so we would again have complied with the federal categorical limits.

The Authority has again improperly set the daily maximum limit below the average limit, so the Authority is again double counting what could be a single violation. We have been looking into whether there may be interferences in our wastewater affecting the laboratory





D. Rowe  
March 5, 2019  
Page 2

analysis of the Cyanide samples, and the treatment process for CN containing wastes. We are continuing our investigation into the analysis and treatment of CN in our waste water.

Keystone continues its efforts to improve the discharge quality. The UF Filters were replaced on December 6, 2018. We submitted an engineer's report of his study of the treatment system in January 18, 2019, and are following up on a number of his recommendations as detailed in my letter of March 5, 2019

Very truly yours,

A handwritten signature in black ink that reads "Larry Vogel". The signature is written in a cursive, flowing style.

Larry Vogel, Plant Manager

cc: H. Klodowski, Esquire



KEYSTONE RUSTPROOFING  
1901 DR. THOMAS BLVD.  
ARNOLD, PA 15068  
PHONE: 724-339-7588

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March 15, 2019

Mr. Daniel H. Rowe, Jr., Manager  
Municipal Sanitary Authority of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

Re: Updates to Keystone Treatment System

Dear Mr. Rowe:

This letter is to update MSANK on changes and improvements to Keystone's treatment system. Due to the low pH results, which came from an inadvertent discharge after cleaning the UF membranes and was discovered during MSANK daily testing on 2/19, Keystone is relocating where we record the pH in our final effluent discharge. While we will continue to use the pH probe in our clarifier for monitoring, we are adding an additional pH probe and analyzer further downstream after filtration and immediately prior to discharge. This will allow us know immediately if the pH is changed after going through the filtration system. We also are sending the first few minutes of discharge after cleaning back through our treatment system as opposed to immediate discharge to MSANK to eliminate the possibility of any residual low pH waters remaining in the canisters entering our final discharge.

Due to problems with the cleaning of the UF system, we have added an additional filter that holds 3, 3 micron filters cartridges in its chamber. This is located at our clarifier and filters the water to the outlet of the clarifier prior to entering the UF system.

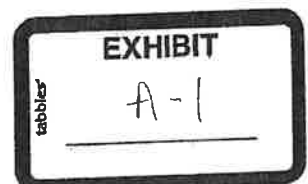
Finally, we have continued with the recommendations from the root cause investigation and have a sampling and testing plan in place to examine CN and metals at various strategic points in our treatment process. We have retained a laboratory expert to assist in this and he has identified a number of analytical tests to provide more information than is typically obtained by routine lab compliance testing or daily test conducted by MSANK.

We will continue to update you of any changes we implement in our treatment process in order to improve our discharge.



Larry Vogel, Plant Manager

cc: H. Klodowski, Esquire



**THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON**

120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

Keystone Rustproofing, Inc.  
Paul Gunsallus  
1901 Dr. Thomas Boulevard  
Arnold, PA. 15068

March 22, 2019

Re: Prohibited pH Discharge  
Pretreatment Permit No. SMJ-000040

Mr. Gunsallus:

This letter serves notice that Keystone Rustproofing wastewater has exceeded the prohibited 5.0 s.u. pH limit on February 14, 19, 25 and March 4, 2019 by being below 5.0 s.u. at your discharge point. This is considered a violation under the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution, and in accordance with the Federal Regulations found in 40 CFR 403.5, Et Seq. Keystone is hereby directed to incorporate the corrective procedures listed in their letter of March 15<sup>th</sup> at minimum, in order to prevent a prohibited discharge in the future. Any additional prohibited pH discharges will be subject to MSANK enforcement actions including, but not limited to, a show cause hearing and a cease and desist order.

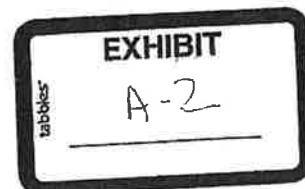
We will continue to review your Self-Monitoring Reports to determine compliance and what, if any further actions must be taken. Should you require any further information or clarification, please contact me at our office number above within 5 days of the date of this notice.

Sincerely,

The Municipal Sanitary Authority  
of The City of New Kensington, PA

  
Joseph F. Ditty  
Pretreatment Coordinator

Enclosure: Keystone March 15<sup>th</sup> Letter  
cc: Larry Vogel, Mott MacDonald, Solicitor, File



## Keystone 2019 pH Partial Chronology

- 12/6/18 New UF Cartridges Installed
- 2/5/19 MSANK Daily Sampling Started
- 2/6/19 Water shut off at 9:00 A.M. due to feed water issues. Recycle water and turn discharge back on at 3:00 P.M.
- 2/12/19 Water treatment shut off at 1:00 P.M. due to UF Program PLC Failure.
- 2/13/19 Water treatment turned back on at 10:00 A.M. after program was reinstalled
- 2/19/19 First notified of low pH by ESL, (got the lab data later) checked pH, added base, investigated cleaning malfunction. Sent cleaning water and drainage "upstream" for treatment.
- 2/20/19 Added a bypass back to upstream treatment in last holding tank prior to discharge in order to prevent low pH from UF cleaning and drainage from reaching discharge.  
Manually check pH after UF cleanings.
- 3/5/19 Added additional filters to clarifier
- 3/6/19 Started trial of partial bypass of UF using new cartridge filters to allow for adequate time after cleaning UF
- 3/11/19 Discontinued use of UF**
- 3/19/19 Call with Hydranautics (UF Supplier) to discuss / troubleshoot UF Cleaning issues (continuing)
- 3/20/19 Pat Mowry (Veolia) on site to change UF programming per Hydranautics recommendations
- 3/21/19 Silver number used a DF—unusual procedure
- 3/27/19 Relocated pH recording (monitoring) probe to white tank right next 6" drain discharge**
- 3/28/19 Started attempts to restore UF membranes following Hydranautics recommended extended cleaning protocols
- 4/2/19 UF was still not functioning properly and has not been in use
- 4/9/19 Notified of the pH problem on 4/2

**EXHIBIT**

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## NK Daily Analysis 2019

DATE SAMPLE STARTS	PH	Cd	Cr	Cu	Pb	Ni	Ag	Zn	CN
Keystone Permit	6.0-11.5	0.11/0.36	5.58/2.23	0.69/1.89	0.17/.034	0.22/1.99	0.56/0.31	1.99/1.69	0.12/0.53
EPA 413.14									
EPA 433.15		0.69/0.26	2.77/1.77	3.38/2.07	0.69/0.26	3.98/2.38	0.43/0.26	2.61/1.48	1.20/0.65
2/5/19	6.74	0.006	5.770	0.266	0.027	0.741	0.031	12.700	0.049
2/6/19	6.86	<0.005	2.910	2.730	<0.005	2.790	0.132	1.500	7.400
2/7/19	7.10	<0.005	0.170	1.950	<0.005	0.487	0.096	0.952	1.700
2/8/19	9.94	<0.005	0.431	0.304	<0.005	0.167	0.014	0.870	0.570
2/11/19	6.97	<0.005	0.062	0.652	<0.005	0.615	0.179	0.300	1.600
2/12/19	6.92	<0.005	0.156	0.839	0.005	0.531	0.156	1.130	0.800
2/13/19	2.39	<0.005	0.066	0.650	<0.005	0.324	0.110	0.652	0.900
2/14/19	5.81	<0.005	0.338	2.750	0.010	3.950	0.159	2.320	8.400
2/15/19	10.32	<0.005	0.537	1.460	0.009	2.390	0.087	5.670	0.022
2/18/19	0.92	<0.005	1.320	1.110	0.043	2.090	0.050	9.250	1.100
2/19/19	10.09	0.005	1.940	1.420	0.043	2.830	0.104	10.900	2.500
2/20/19	10.42	<0.005	4.330	0.677	<0.005	0.830	0.149	1.090	1.900
2/21/19	11.09	<0.005	0.261	0.926	<0.005	0.775	0.078	1.670	1.100
2/22/19	2.32	<0.005	0.029	0.301	<0.005	0.144	0.013	0.180	0.250
2/23/19	6.77	<0.005	2.510	0.383	<0.005	0.410	0.047	0.720	0.510
2/26/19	9.87	<0.05	3.090	0.240	<0.005	0.432	0.025	3.120	0.150
2/27/19	11.87	<0.005	0.794	0.391	0.007	0.575	0.039	3.880	0.230
2/28/19	10.99	<0.005	0.325	0.690	0.011	0.357	0.023	6.180	0.720
Average			1.39	0.99		1.14		3.50	1.66
BOLD=Exceeds the lower of the NK Permit Limits.									

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EXHIBIT

DATE SAMPLE STARTS	PH	Cd	Cr	Cu	Pb	Ni	Ag	Zn	CN
Keystone Permit	6.0-11.5	0.11/0.36	5.58/2.23	0.69/1.89	0.17/.034	0.22/1.99	0.56/0.31	1.99/1.69	0.12/0.53
EPA 413.14									
EPA 433.15		0.69/0.26	2.77/1.77	3.38/2.07	0.69/0.26	3.98/2.38	0.43/0.26	2.61/1.48	1.20/0.65
3/1/19	2.32	<0.005	0.071	0.352	<0.005	0.380	0.017	1.110	0.000
3/4/19	9.52	<0.005	2.480	0.439	<0.005	0.555	0.037	3.440	0.600
3/5/19	10.25	<0.005	0.911	0.609	0.012	0.564	0.030	5.060	0.690
3/12/19	10.00	<0.005	1.280	0.793	0.008	0.561	0.026	2.100	0.800
3/13/19	9.94	<0.005	0.204	1.130	0.007	0.277	0.072	4.140	0.600
3/14/19	10.55	<0.005	0.124	0.520	0.006	0.146	0.013	2.720	0.026
3/15/19	10.25	<0.005	0.216	0.651	<0.005	0.140	0.027	3.680	0.120
3/18/19	10.07	0.006	0.448	0.545	0.033	0.609	0.006	9.880	0.350
3/19/19	10.88	<0.005	1.970	0.774	0.008	0.215	0.052	2.470	0.084
3/20/19	10.67	<0.005	0.433	0.749	<0.005	0.160	0.302	2.640	0.094
3/21/19	10.60	<0.005	1.820	0.667	0.013	0.326	0.071	6.190	0.055
3/22/19	10.44	<0.005	0.091	0.524	<.005	0.618	0.086	0.726	0.042
3/25/19	10.61	<0.005	0.065	0.137	<.005	0.270	0.011	3.520	0.052
3/26/19	10.25	<0.005	0.205	0.959	0.018	1.050	0.044	6.970	0.066
3/27/19	10.11	<0.005	0.068	0.137	<0.005	0.164	0.022	1.280	0.055
3/28/19	10.41	<0.005	7.900	0.110	<0.005	0.066	0.027	0.725	0.026
3/29/19	4.47	<0.005	0.351	0.227	<0.005	0.038	0.028	0.575	ND
Average			1.10	0.55	0.01	0.36	0.05	3.37	0.22

BOLD=Exceeds the lower of the NK Permit Limits.

<b>DATE SAMPLE STARTS</b>	<b>pH</b>	<b>Cd</b>	<b>Cr</b>	<b>Cu</b>	<b>Pb</b>	<b>Ni</b>	<b>Ag</b>	<b>Zn</b>	<b>CN</b>
Keystone Permit	6.0-11.5	0.11/0.36	5.58/2.23	0.69/1.89	0.17/.034	0.22/1.99	0.56/0.31	1.99/1.69	0.12/0.53
EPA 413.14									
EPA 433.15		0.69/0.26	2.77/1.77	3.38/2.07	0.69/0.26	3.98/2.38	0.43/0.26	2.61/1.48	1.20/0.65
4/1/19	2.500	>0.005	0.665	0.227	0.009	0.081	0.034	2.590	ND
Average									

BOLD=Exceeds the lower of the NK Permit Limits.



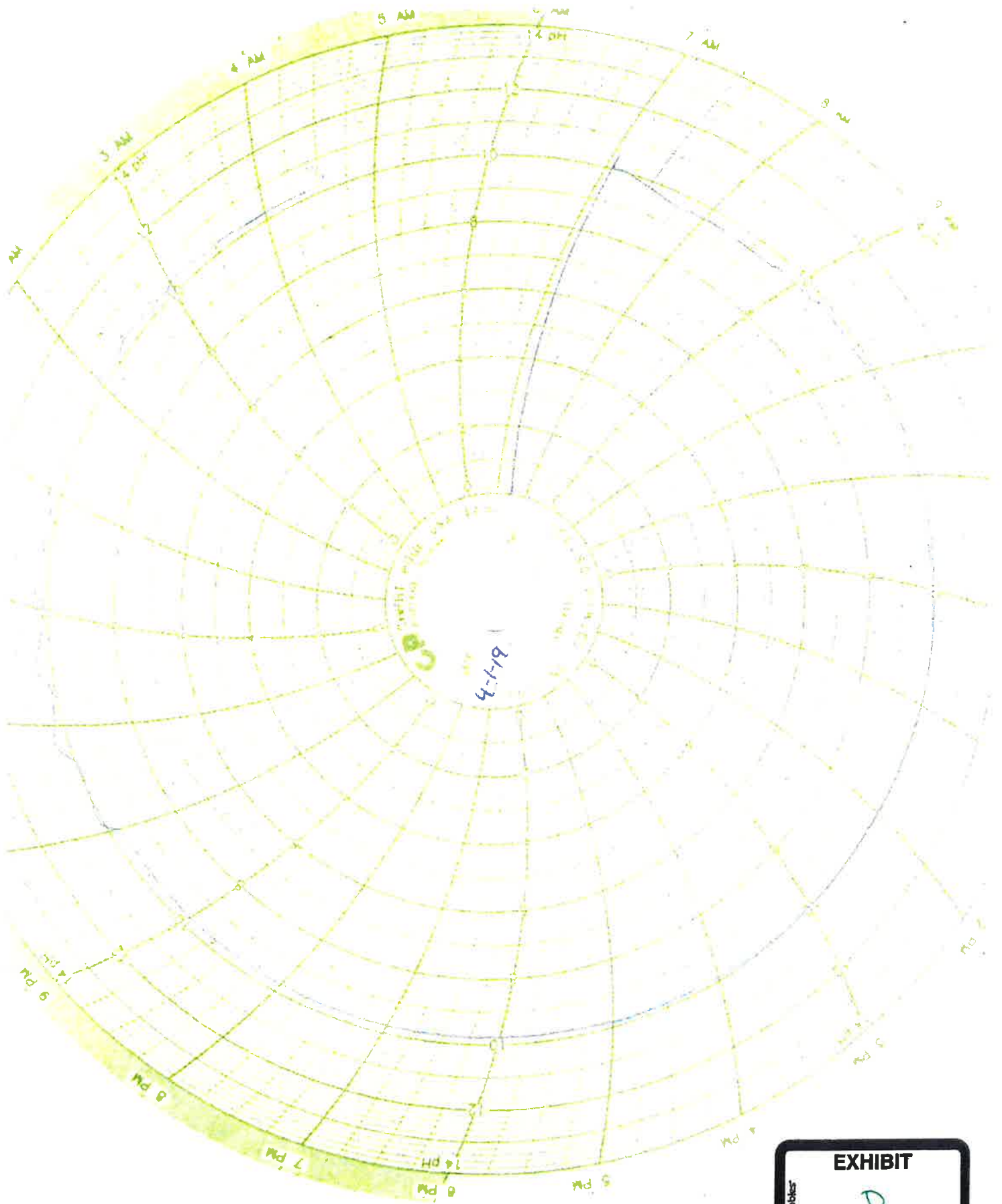
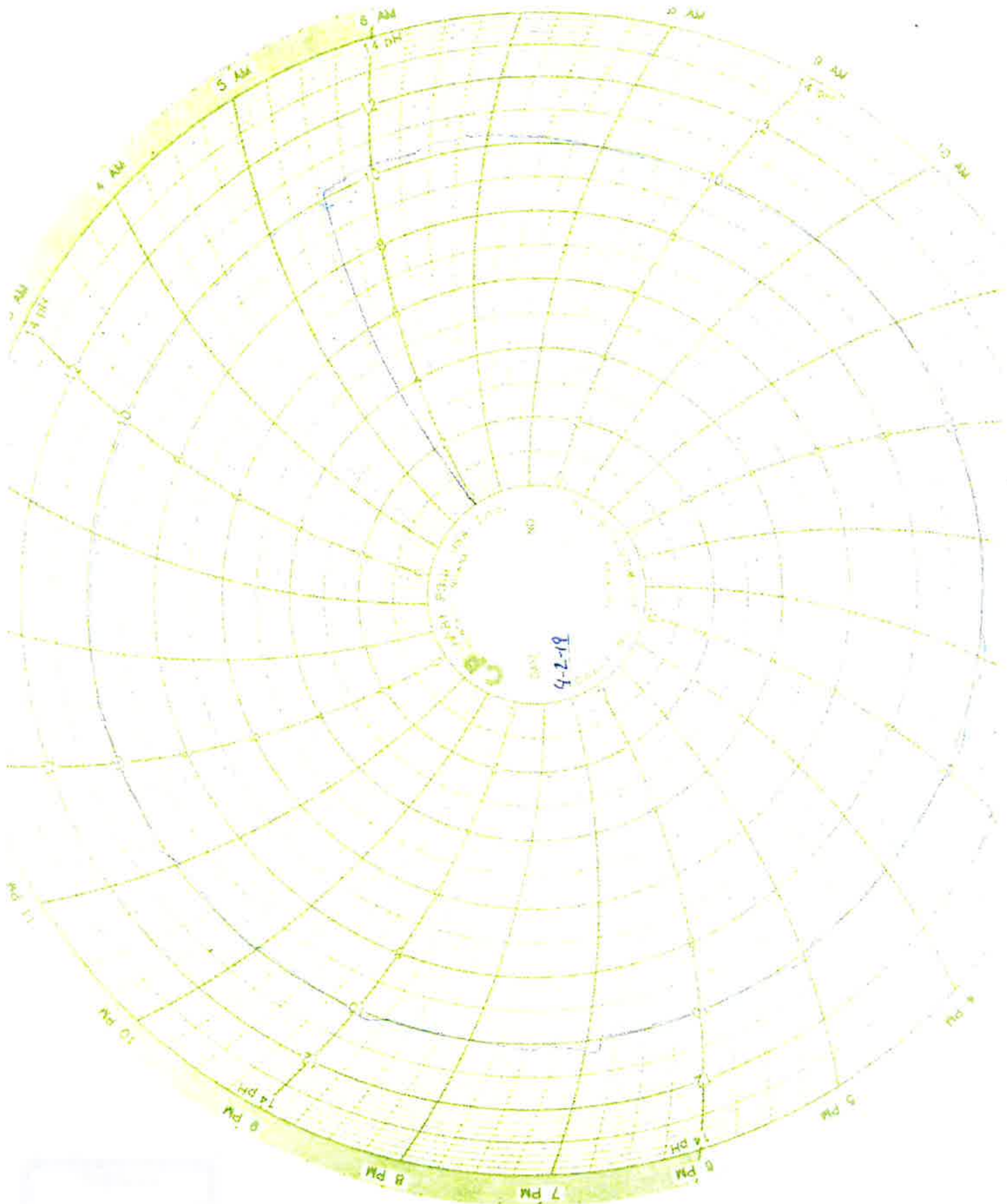
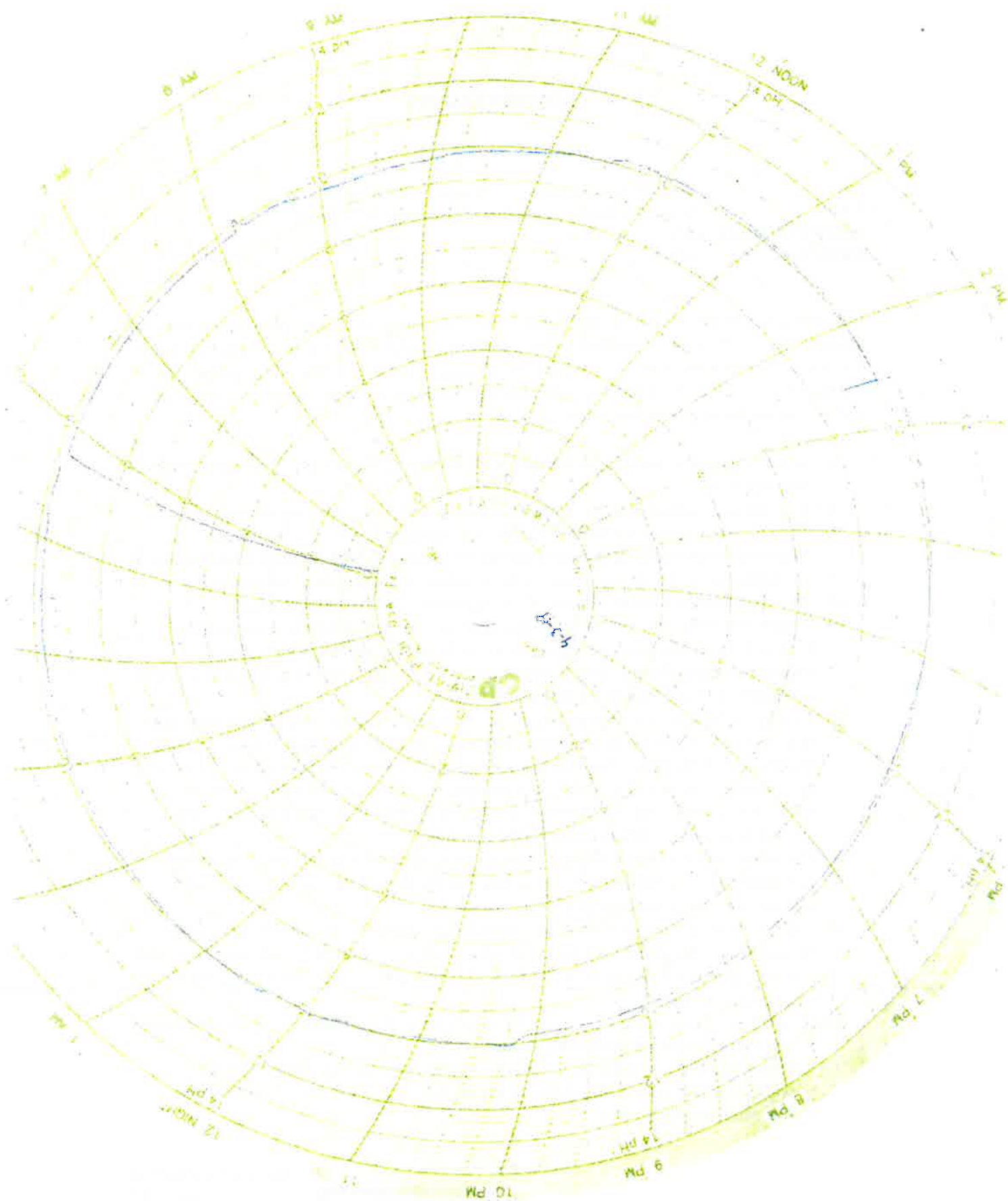


EXHIBIT  
D





## Memorandum

**To:** David Dunlap (Eurofins Test America – Pittsburgh)  
**From:** Robert Crookston (RSCollaborative Services, LLC) *RC*  
**Performance Period:** n/a  
**Report Date:** 4/4/2019

This memo documents several agreed to specifics of the sampling to be conducted by TA at the Keystone facility. This memo is based on the sampling plan C2 3 7 19 KS, Attachments A, B and C and the telephone conversation held 4/4/2019 between DD and RC. Based on the valuable feedback from the lab, the following modifications have been made to the plan in conjunction with document Attachments A B C Rev 3.

- 1) Corrections to the preservation schedule Attachment C were made to properly reflect requirements.
- 2) Asterisks were included with notations to fully describe preservation requirements.
- 3) Agreed that sample A 'Combined cyanide bearing waters' will be collected as a large volume unpreserved grab sample allowing for sample preservation and proportioning to be conducted at the lab under controlled conditions due to Safety considerations.
- 4) The lab will utilize Sodium Arsenite or an equivalent dichlorination product.
- 5) Agreed that field crew will communicate with on-site staff to determine appropriate time to begin the sampling sequence that will be performed in the alphabetical sequence dictated by the sample identification. Thus, sampling will progress in a pattern consistent with the flow of the treatment system.
- 6) Concerning Sample A – it is suggested that the lab perform the total analysis distillation at or near a 10X dilution to ensure scrubber breakthrough is mitigated. It is suggested that the lab perform the initial treatment step for the amenable cyanide at a 2x dilution. It is preferred that the treatment be conducted on a robust sample but it is not necessary to conduct such treatment on an undiluted portion. Post treatment, the sample should be distilled without further dilution.
- 7) It is recognized that the field crew will conduct an EHS evaluation prior to sampling.
- 8) It is recognized that sampling will be conducted in coordination with Plant personnel and escorted by engineering support.
- 9) The field team will perform necessary filtration using 0.45u filters. Encapsulated filters or equivalent. Not specifically discussed on the call but critical to the process, Total and Dissolved portions must be obtained from the same grab aliquot. This is the case for cyanide and for metals.
- 10) An additional tab was added to Excel file Attachments A B C Rev 3 to include an updated schematic to include all sample locations.
- 11) Not discussed but to ensure clarity, please note analysis duplicate requirements provided in Attachment B. A field duplicate sample for Cyanide should be collected during each sampling round.





**Memo C2 3719 KS**

**4/4/2019**

## **Keystone Sampling and Analysis Plan**

### **Attachments A B C**

**Sample Location and Analytical Testing**

**Sample Collection Type**

**Sample Preservation**

**Plant Treatment Schematic**

**Memo C2.3719 KS  
Keystone Sampling Plan**

**Attachment A**

**Location**  
**Analytical Analysis**

		Total Cyanide "as received"	Total Cyanide dissolved	Amenable Cyanide "as received"	Amenable Cyanide dissolved	Sulfide Screen	pH (field meter)	Total Metals (Cu, Ag, Zn, Al, Fe)	Dissolved Metals (Cu, Ag, Zn, Al, Fe)	Nitrate+Nitrite	Available Chlorine	Ammonia
A	Combined Cyanide Bearing Waters	X	X	X	X	X	X	X				
B	Post Treatment Prior to Mixing Sump	X	X	X	X	X	X	X	X		X	
C	Mixed Wastewater at/post Acid/Alkali Sump	X	X	X	X	X	X	X	X		X	
D	Post Clarifier / Pre Plate Pack	X	X	X	X	X	X	X	X	X	X	X
D2	pre 3u filtration	X	X	X	X	X	X	X	X	X	X	
E	Post Plate Pack Pre Ultra Filtration	X	X	X	X	X	X	X	X	X	X	
F	Post Ultra Filtration	X	X	X	X	X	X	X	X	X	X	X



**Memo C2 3719 KS**  
**Keystone Sampling Plan**

**Attachment B**

Location	Sample Type	
A	Combined Cyanide Bearing Waters	Individual Grab Sample Each day of sampling
B	Post Treatment Prior to Mixing Sump	Individual Grab Sample Each day of sampling
C	Mixed Wastewater at/post Acid/Alkali Sump	Individual Grab Sample Each day of sampling
D	Post Clarifier / Pre Plate Pack	Individual Grab Sample Each day of sampling
D2	pre 3u Filtration	Individual Grab Sample Each day of sampling
E	Post Plate Pack Pre Ultra Filtration	Individual Grab Sample Each day of sampling
F	Post Ultra Filtration	Individual Grab Sample Each day of sampling
		Field Duplicate Total Cyn Day 1
		Field Duplicate Total Cyn Day 2
		Field Duplicate Total Cyn Day 3

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Memo C2 3719 KS  
Keystone Sampling Plan

Attachment C

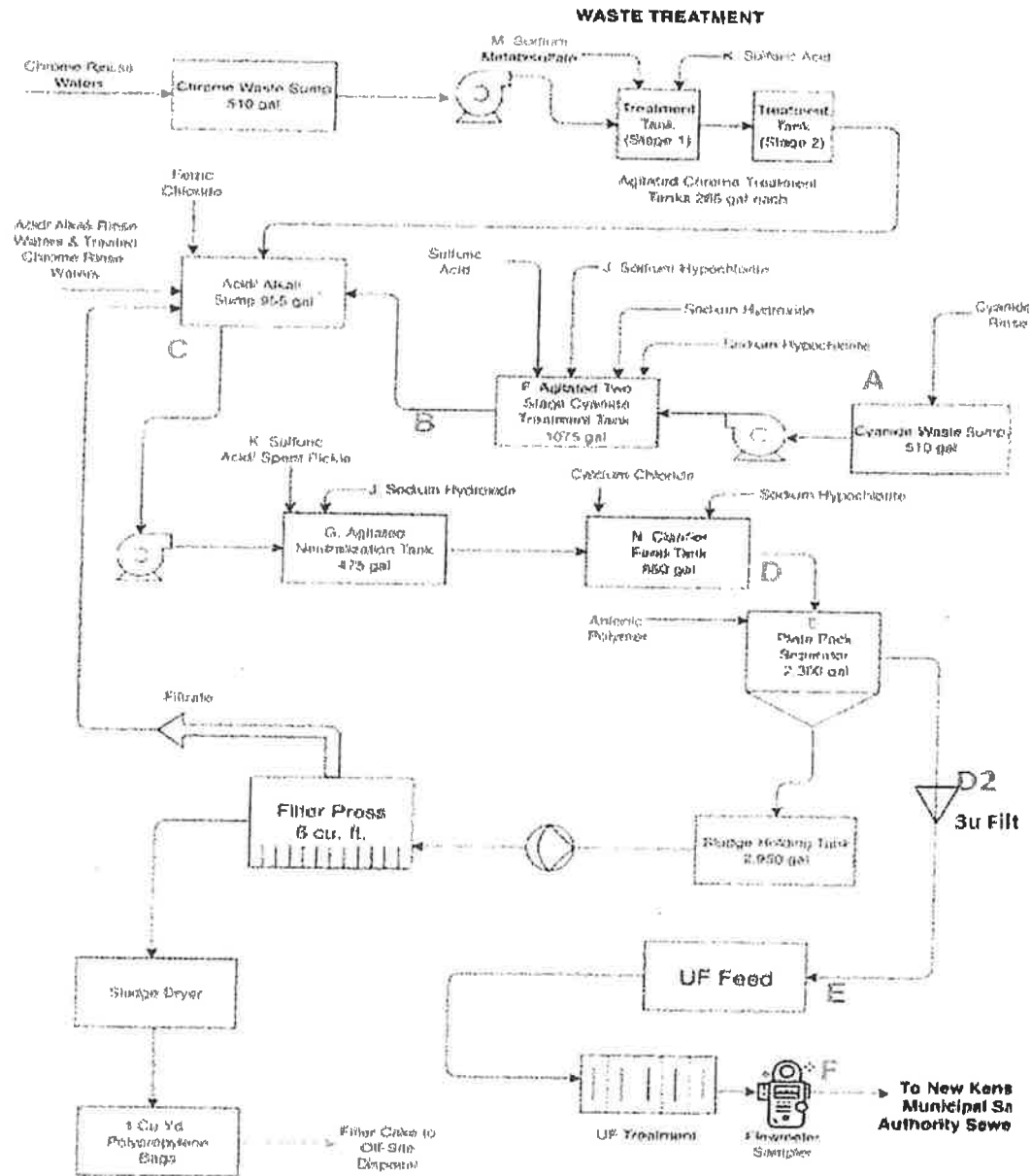
Field Testing / Sample Preservation

Location		Total Cyanide "as received"	Amenable Cyanide "as received"	Total Cyanide dissolved	Amenable Cyanide "as received"	Total Cyanide dissolved	Total Sulfide (field)	pH (field meter)	Total Metals (Cu, Ag, Zn, Al, Fe)	Dissolved Metals (Cu, Ag, Zn, Al, Fe)	Nitrate+Nitrite	Ammonia
A	Combined Cyanide Bearing Waters	*	*	*	*	*	*	*	*	*	*	*
B	Post Treatment Prior to Mixing Sump	1	2	1	2	1	2	None	3	4	5	None
C	Mixed WW at/post Acid/Alkali Sump	1	2	1	2	1	2	None	3	4	5	None
D	Post Clarifier / Pre Plate Pack	1	2	1	2	1	2	None	3	4	5	None
D2	pre 3u filter	1	2	1	2	1	2	None	3	4	5	None
E	Post Plate Pack Pre Ultra Filtration	1	2	1	2	1	2	None	3	4	5	None
F	Post Ultra Filtration	1	2	1	2	1	2	None	3	4	5	None

1. Dechlorinate\*\*, Sulfide test\*\*\* and treatment, NaOH pH >10 (pH paper or equiv)
  2. Field Filter 0.45, Dechlorinate\*\*, Sulfide test and treatment, NaOH pH >10 (pH paper or equiv)  
(Dissolved Prepared from identical sample grab as Total)
  3. HNO3 pH <2 (CAUTION, Cyanide bearing wastewater) (pH paper or equiv)
  4. Field Filter 0.45u, HNO3 pH <2 (CAUTION, Cyanide bearing wastewater) (pH paper or equiv)
  5. H2SO4 pH <2 (pH paper or equiv)
- \* Due to Safety considerations, sample preservation and proportioning will be conducted at the lab under controlled conditions.
- \*\* Sodium Arsenite or equiv
- \*\*\* Lead Acetate Paper



## Sample Locations





# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

Keystone Rustproofing, Inc.  
Paul Gunsallus  
1901 Dr. Thomas Boulevard  
Arnold, PA. 15068

March 18, 2019

Re: Prohibited pH Discharge  
Pretreatment Permit No. SMJ-000040

Mr. Gunsallus:

This letter serves notice that Keystone Rustproofing has exceeded the prohibited pH limit of <5.0 pH on February 14, 19, 25 and March 4, 2019 at your discharge point. This is considered a violation under the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution, and in accordance with the Federal Regulations found in 40 CFR 403.5, Et Seq.. Keystone shall incorporate the corrective procedures listed in their letter of March 15<sup>th</sup> in order to prevent a prohibited discharge in the future. Another prohibited pH discharge will be subject to further MSANK enforcement actions (i.e. show cause hearing, cease and desist order).

We will continue to check your Self-Monitoring Reports to determine compliance and what, if any further actions are to be taken. Should you require any further information, please contact me at our office.

Sincerely,

The Municipal Sanitary Authority  
of The City of New Kensington, PA

---

Joseph F. Ditty  
Pretreatment Coordinator

Enclosure: Keystone March 15<sup>th</sup> Letter  
cc: Larry Vogel, Mott MacDonald, Solicitor, File



# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

IN THE MATTER OF

KEYSTONE RUSTPROOFING, INC.  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068

\*  
\*  
\*  
\*  
\*

NOTICE OF VIOLATION  
ISSUANCE DATE:

April 10, 2019

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Keystone Rustproofing was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000040.
4. The discharge permit issued to Keystone Rustproofing contained numerical limits on the concentrations of pollutants, which Keystone Rustproofing could discharge and self-monitoring requirements.
5. Keystone Rustproofing conducted a wastewater sample event on February 27-28, 2019 at the discharge of the Keystone Rustproofing pretreatment system. The sampling event indicated exceedences of permit limits as follows:

Date	Pollutant	Analytical Results	Permit Limit (Max)
2/27-28/19	Nickel	0.413 mg/l	0.220 mg/l
2/27-28/19	Total Cyanide	0.170 mg/l	0.120 mg/l
2/27-28/19	Zinc	4.040 mg/l	1.990 mg/l

# THEORY OF THE EARTH AND ITS HISTORY

THEORY OF THE EARTH AND ITS HISTORY

## CHAPTER I

THEORY OF THE EARTH AND ITS HISTORY

THEORY OF THE EARTH AND ITS HISTORY

## CHAPTER II

THEORY OF THE EARTH AND ITS HISTORY

## CHAPTER III

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THEORY OF THE EARTH AND ITS HISTORY

Date	Pollutant	Analytical Results(Avg)	Permit Limit (Avg)
2/1-28/19	Zinc	4.040 mg/l	1.690 mg/l
2/1-28/19	Total Metals	5.316 mg/l	5.000 mg/l

In addition, your self-monitoring report page 2 is checked off to indicate no violations since the last self-monitoring report. This is not correct since your report contains violations and the extra lab testing results contain violations. An inaccurate report is considered a violation that is subject to enforcement.

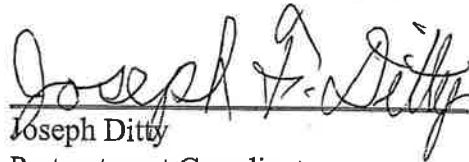
## NOTICE OF VIOLATION

### NOTICE

**THEREFORE, BASED ON THE ABOVE FINDINGS KEYSTONE RUSTPROOFING, INC. IS HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, Keystone Rustproofing, Inc. shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, Keystone Rustproofing, Inc. shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed:

  
Joseph Ditty

Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068





## MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

### IN THE MATTER OF:

**KEYSTONE RUSTPROOFING, INC.**  
**1901 Dr. Thomas Blvd.**  
**Arnold, PA 15068**

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\*  
\*  
\*  
\*

**ADMINISTRATIVE**  
**SHOW CAUSE ORDER**  
**ISSUANCE DATE: APRIL 11, 2019**

### LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

### FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington (MSANK) is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Keystone Rustproofing, Inc. was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000040. The permit contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer system.
4. Keystone Rustproofing, Inc. is a Significant Industrial User, as defined by the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.
5. Pursuant to the pretreatment permit, beginning on February 6, 2019, the Municipal Sanitary Authority of the City of New Kensington has been conducting an ongoing wastewater sampling program at Keystone Rustproofing, Inc to assess the compliance status on a daily basis.
6. The Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution and the Federal Regulations at 40 CFR 403.5 et seq. prohibit wastewater discharges with a pH less than 5.0 s.u.
7. Sampling data shows that Keystone Rustproofing, Inc. has exceeded the prohibited pH limit of 5.0 s.u. as follows:

<u>Date</u>	<u>pH measurement</u>
February 14, 2019	2.39 s.u.
February 19, 2019	0.92 s.u.
February 25, 2019	2.32 s.u.
March 4, 2019	2.32 s.u.
April 1, 2019	4.47 s.u.
April 2, 2019	2.50 s.u.



8. Keystone Rustproofing Inc. submitted an e-mail explanation dated March 15, 2019 to the Municipal Sanitary Authority of the City of New Kensington stating their intent to incorporate corrective procedures to prevent a prohibited discharge in the future.
9. The Municipal Sanitary Authority of the City of New Kensington directed Keystone Rustproofing, Inc. by letter dated March 21, 2019 to incorporate the corrective procedures listed in the Keystone Rustproofing e-mail of March 15, 2019.
10. Keystone Rustproofing, Inc. has failed to implement corrective procedures to prevent a prohibited discharge.

### **ORDER**

**THEREFORE, BASED ON THE ABOVE FINDINGS KEYSTONE RUSTPROOFING, INC.:**

1. Appear at a meeting with the Municipal Sanitary Authority of the City of New Kensington to be held on April 15, 2019 at 7:00 p.m., at the Municipal Sanitary Authority of the City of New Kensington offices.
2. At this meeting, Keystone Rustproofing, Inc. must demonstrate why the Authority should not take further enforcement action.
3. This meeting will be closed to the public.
4. Representatives of Keystone Rustproofing, Inc. may be accompanied by legal counsel if they so choose.
5. Failure to comply with this order shall also constitute a further violation of the Authority's Pretreatment Resolution and may result in a cease and desist order and termination of sewer service.
6. This order, as sent by certified mail, return receipt requested, entered April 11, 2019, shall be effective upon receipt by Keystone Rustproofing, Inc.

Signed:

*Daniel H. Rowe, Jr.*  
\_\_\_\_\_  
Manager, Municipal Sanitary Authority  
of the City of New Kensington  
120 Logans Ferry Drive  
New Kensington, PA 15068



## MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

### IN THE MATTER OF:

**KEYSTONE RUSTPROOFING, INC.**  
**1901 Dr. Thomas Blvd.**  
**Arnold, PA 15068**

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\*  
\*

**ADMINISTRATIVE**  
**SHOW CAUSE ORDER**  
**ISSUANCE DATE: APRIL 11, 2019**

### LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

### FINDINGS

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3. Under this pretreatment program Keystone Rustproofing, Inc. was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000040. The permit contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer system.
4. Keystone Rustproofing, Inc. is a Significant Industrial User, as defined by the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.
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8. Keystone Rustproofing Inc. submitted an e-mail explanation dated March 15, 2019 to the Municipal Sanitary Authority of the City of New Kensington stating their intent to incorporate corrective procedures to prevent a prohibited discharge in the future.
9. The Municipal Sanitary Authority of the City of New Kensington directed Keystone Rustproofing, Inc. by letter dated March 21, 2019 to incorporate the corrective procedures listed in the Keystone Rustproofing e-mail of March 15, 2019.
10. Keystone Rustproofing, Inc. has failed to implement corrective procedures to prevent a prohibited discharge.

### **ORDER**

**THEREFORE, BASED ON THE ABOVE FINDINGS KEYSTONE RUSTPROOFING, INC.:**

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2. At this meeting, Keystone Rustproofing, Inc. must demonstrate why the Authority should not take further enforcement action.
3. This meeting will be closed to the public.
4. Representatives of Keystone Rustproofing, Inc. may be accompanied by legal counsel if they so choose.
5. Failure to comply with this order shall also constitute a further violation of the Authority's Pretreatment Resolution and may result in a cease and desist order and termination of sewer service.
6. This order, as sent by certified mail, return receipt requested, entered April 11, 2019, shall be effective upon receipt by Keystone Rustproofing, Inc.

Signed:

*Daniel H. Rowe, Jr.*

\_\_\_\_\_  
Manager, Municipal Sanitary Authority  
of the City of New Kensington  
120 Logans Ferry Drive  
New Kensington, PA 15068





## **Keystone Rustproofing Outline of Response to MSANK ORDER**

1. Low pH discharges in February-March 2019 were caused by malfunctions in the computer controls and membranes in the UF System at the tail end of treatment. Please note the metal discharges are better in March, and do not appear to be related to low pH.

EXHIBITS B-CHRONOLOGY and C: Summary of February and March daily discharge reports.

2. Corrective measures after the February and early March problems were the Relocation of the recording pH Meter completed on 3/27/19 and taking the UF System Out of Service. A spun polyester disposable cartridge final filter was installed and tested between 3/5/19 and 3/11/19. See EXHIBIT B.
3. The cartridge system is an interim filter, but appears to be working fairly well for metals. See March daily discharge summary. SEE EXHIBIT C.
4. Our records of pH at the point of discharge show pH within limits on 4/1/19 and 4/2/19.

EXHIBIT D: pH Charts for 4/1, 4/2 and 4/3.

5. While the UF System is not in use, it is still physically connected to the discharge. Keystone was attempting to restore the UF membranes and was cleaning the UF filters on 3/28/19, shortly before the 4/1 and 4/2 events.
6. Additional corrective measures since the 4/2 results are to check the pH with a hand held unit each morning when the sample is collected, and every two hours during first shift, record these readings and check them against the recording pH meter.
7. Keystone is conducting additional chemical tests at six locations in the treatment system as recommended by an analytic chemistry expert and performed by Test America, (a third party lab), to start this week. We are submitting the Keystone (Test America) 2109 Special Sampling test protocol to MSANK today.

EXHIBIT E: R. Crookston Memo 4/4/19.

8. We think it is likely the UF System will be taken out of service permanently in 2019, and the current disposable cartridge system will be replaced a few months in the future.
9. We have a number of experts waiting for data on the NK daily sampling and the Keystone 2019 Special Sampling project and will look for opportunities to improve chemical treatment as well as filtration in 2019. This may include changes in treatment chemicals or equipment.



**Exhibits:**

- A. Keystone 3/15/19 Letter, MSANK 3/22/19 Letter
- B. Keystone 2019 Partial Chronology
- C. Monthly Summary Tables of Daily Results February-March
- D. Recording pH charts for 4/1/19, 4/2/19 and 4/13/19
- E. Keystone Test America 2019 Special Sampling Plan 4/4/19



KLODOWSKI LAW LLC  
6400 BROOKTREE COURT, SUITE 250  
WEXFORD, PENNSYLVANIA 15090  
Klodowskilaw.com

Harry F. Klodowski, Jr.  
Email: [Harry@Klodowskilaw.com](mailto:Harry@Klodowskilaw.com)

Telephone: (724) 940-4000  
Facsimile: (724) 940-4048

April 25, 2019

Mr. Daniel H. Rowe, Jr., Manager  
Municipal Sanitary Authority of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

Mr. Larry Loperfito  
Geary & Loperfito  
159 Lincoln Avenue  
Vandergrift, PA 15690

Re: Keystone Rule to Show Cause

Dear Gentlemen:

I enclose a verified Answer to the Rule to Show Cause dated April 17, 2019. Please call if you have any questions on this filing.

Sincerely,

A handwritten signature in dark ink, appearing to be 'H. Klodowski', written over a horizontal line.

Harry Klodowski

Enclosure

cc: L. Vogel

**MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**

**IN THE MATTER OF:**

**KEYSTONE RUSTPROOFING, INC.  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068**

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**ADMINISTRATIVE  
SHOW CAUSE ORDER  
ISSUANCE DATE: APRIL 17, 2019**

**ANSWER TO RULE TO SHOW CAUSE**

Keystone Rustproofing, Inc. ("Keystone") by its undersigned attorney makes the following Answer to the Rule To Show Cause dated April 17, 2019 as follows:

1. Keystone was served by Certified Mail on April 22, 2019.
2. Findings 1 through 6 are legal conclusions to which no response is required.
3. Paragraph 7 lists six dates on which MSANK alleges low pH discharges occurred.

Keystone was first notified of a low pH discharge on February 19, 2019, and on that day verified the pH reading, and commenced an investigation and corrective actions. Keystone admits a low pH discharge on February 19, 2019. Keystone was not notified of the alleged violations on February 14, 25, and March 4, 2019 until weeks after these dates and has no knowledge of the alleged violations and therefore denies the remaining allegations.

4. The allegations of Findings 8 and 9 are admitted.

5. The allegations of Finding 10 are denied. Keystone's records of required monitoring show pH was in compliance after March 22, 2019. By way of further Answer Keystone avers:

A. Keystone's treatment process uses alkaline precipitation to elevate the pH of waste water to form a solid precipitate out of formerly dissolved metals. The precipitate is removed from the water by filtration.

B. Keystone installed and until March 11 2019, operated an "Ultra Filtration" ("UF") system to remove precipitated metals before discharge to MSANK.

C. The UF system contained pressure monitors and alarms to advise when the UF elements became "dirty" and should be cleaned to resume normal operation of the UF unit.

D. The UF system contained a number of daily and weekly programmed cleaning cycles, using a strong basic wash, a strong acid wash, and air sparging to clean the UF filter elements.

E. The daily cleaning program uses about 100 gallons of basic or acidic solution to clean the UF elements, and usually takes 15-20 minutes for a cleaning cycle. This cleaning solution, and rinse or wash water is not discharged to the outfall. Under normal operation the cleaning solution is piped "upstream" in the treatment system for treatment before discharge.

F. Keystone experienced problems with the UF program in January 2019 and reinstalled the program.

G. On February 19, 2019 Keystone found the UF acid cleaning wash or wash water was entering the discharge for three to five minutes after system was set to "filtrate" or discharge mode.

H. Keystone took measures to manually divert UF cleaning and wash waters from the point of discharge beginning on February 19, 2019.

I. Between February 19 and March 11 2019 Keystone took a number of measures to repair the UF system and clean the UF system.

J. Between March 5 and March 11, 2019 Keystone tested use of an alternative spun polyester disposable cartridge filter in place of the UF.

K. On March 11, 2019 Keystone took the UF unit out of service, but continued efforts to repair the UF unit.

L. Keystone operates a pH meter with a paper chart recorder that keeps a 24 hour record of pH.

M. On March 27, 2019 Keystone relocated the pH probe for the recording pH meter from the outflow of the clarifier to the discharge point.

N. The records of Keystone's pH meter for April 1, 2 and 3 are attached as Exhibits A, B, and C and do not show pH exceedances on April 1 or 2, 2010.

O. Since being notified of the April 1 and 2 results on April 9, 2019, Keystone is continuing to take 24 hour pH readings, and is taking pH readings with a handheld unit each morning when the lab collects the 24 hour composite samples, and every two hours during day light shift. If MSANK's lab technician finds a low pH, they have been asked to notify Keystone immediately.

P. The analytical results for all the dates with low pH grab sample results do not show high levels of metals in the discharge, which tends to indicate any pH excursions are transient short time events.

Q. The small quantities of low pH wastewater that may have been discharged were caused by an equipment malfunction. The malfunctioning equipment has been replaced and disconnected.

R. The small quantity low pH discharges have not caused any damage to air, water, land or other natural resources; have not interfered with the operation of MSANK's treatment plant or damaged any MSANK treatment equipment; have not caused MSANK to



violate their discharge permit limits; have not caused any costs of restoration or abatement; and have not resulted in any cost savings to Keystone.

S. Keystone is working with a number of experts to improve its treatment system, has commenced additional analytic work, and plans to install a new filtration system.

WHEREFORE, Keystone Rustproofing requests the Sanitary Authority to take no further enforcement action with regard to pH discharges below 5.

Respectfully Submitted,



---

Harry Klodowski, Esquire  
Pa ID: 30569  
Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
Phone: 724-940-4000  
Fax: 724-940-4048  
[Harry@Klodowskilaw.com](mailto:Harry@Klodowskilaw.com)

Counsel for Petitioner  
Keystone Rustproofing, Inc.

April 25, 2019

**VERIFICATION**

I, Paul Gunsallus, President of Keystone Rustproofing, Inc., have read the attached document and verify that the statements of fact made herein are true and correct to the best of my knowledge, or information and belief and are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: April 25, 2019

  
Paul Gunsallus

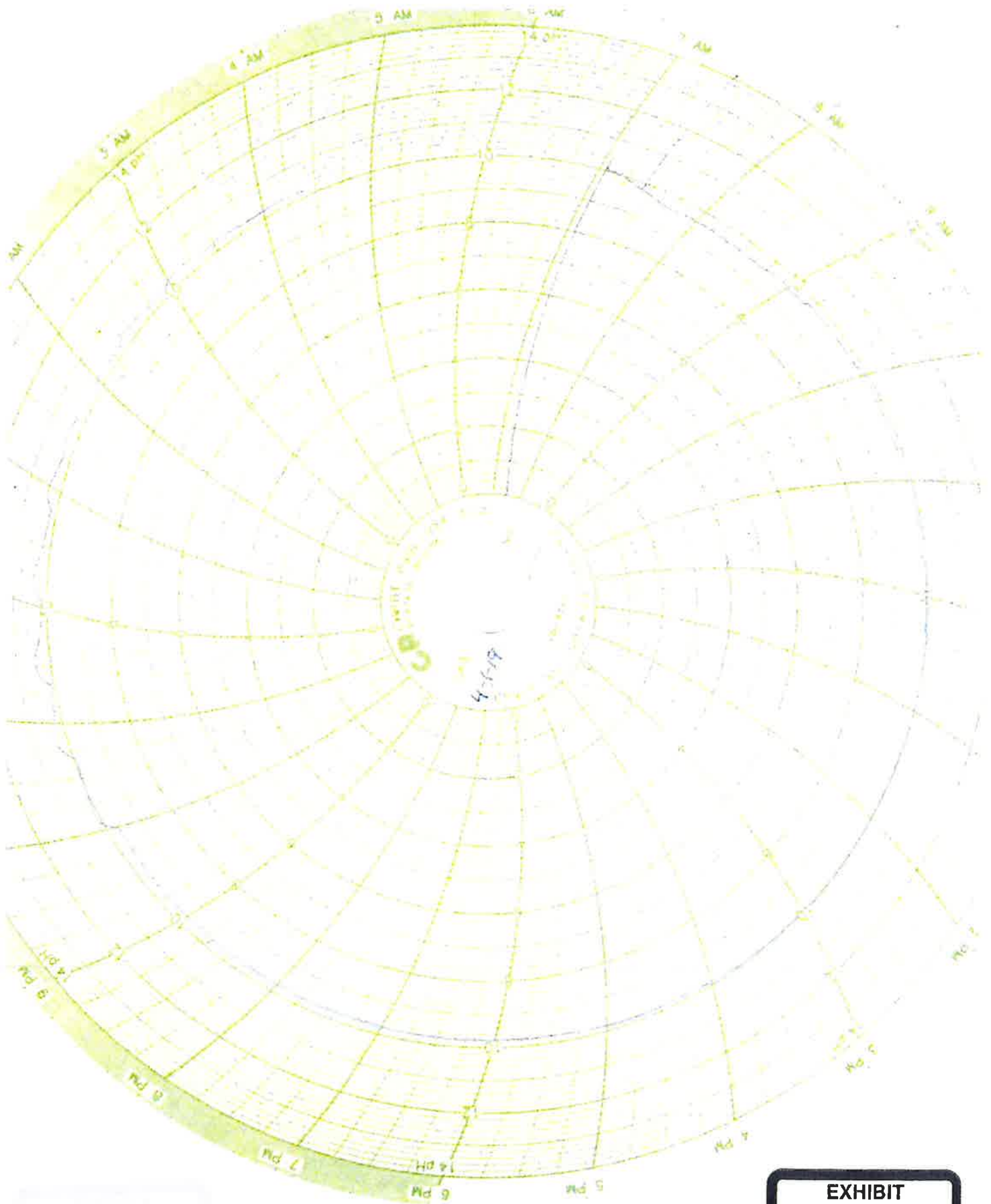


EXHIBIT  
A

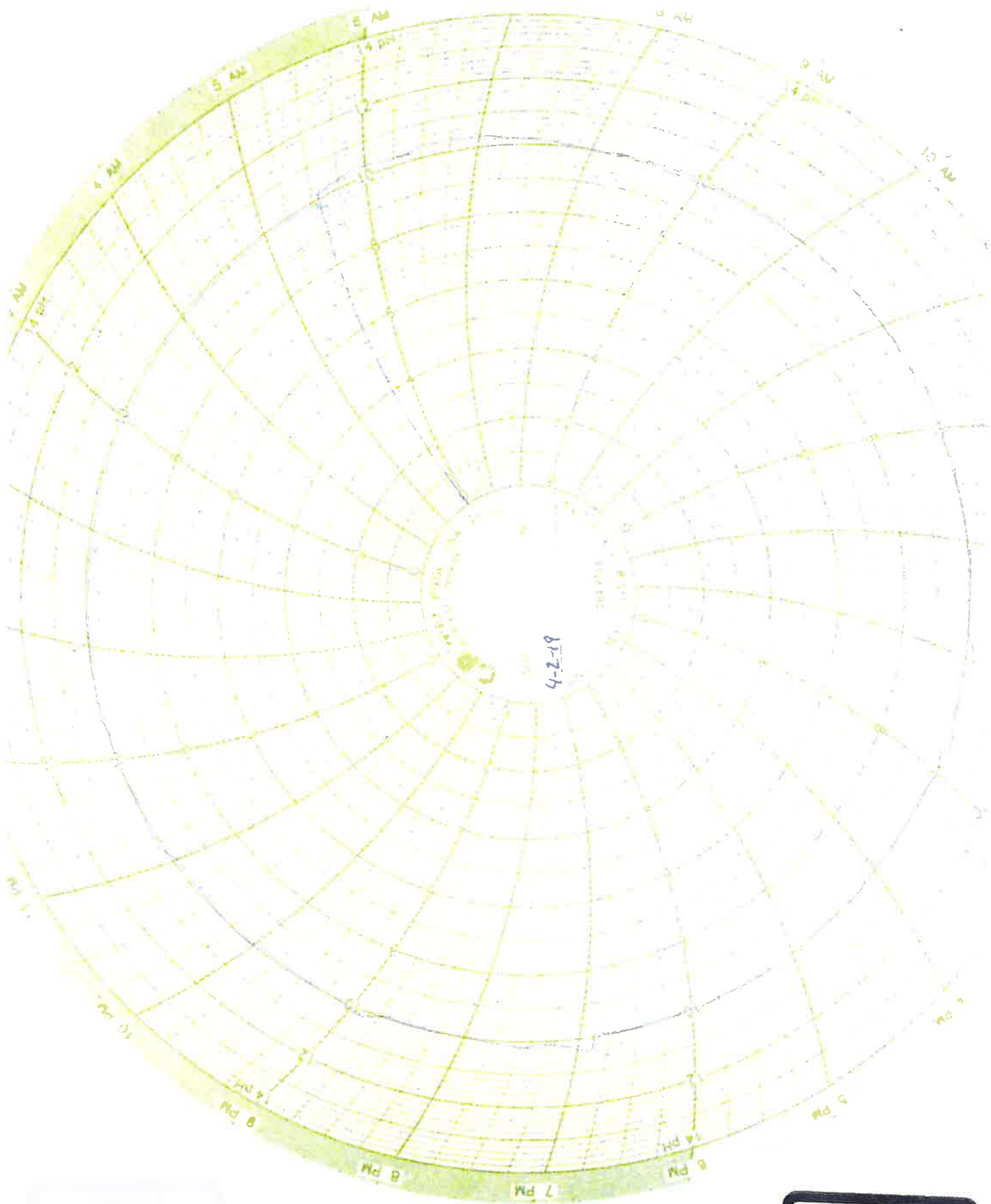


EXHIBIT  
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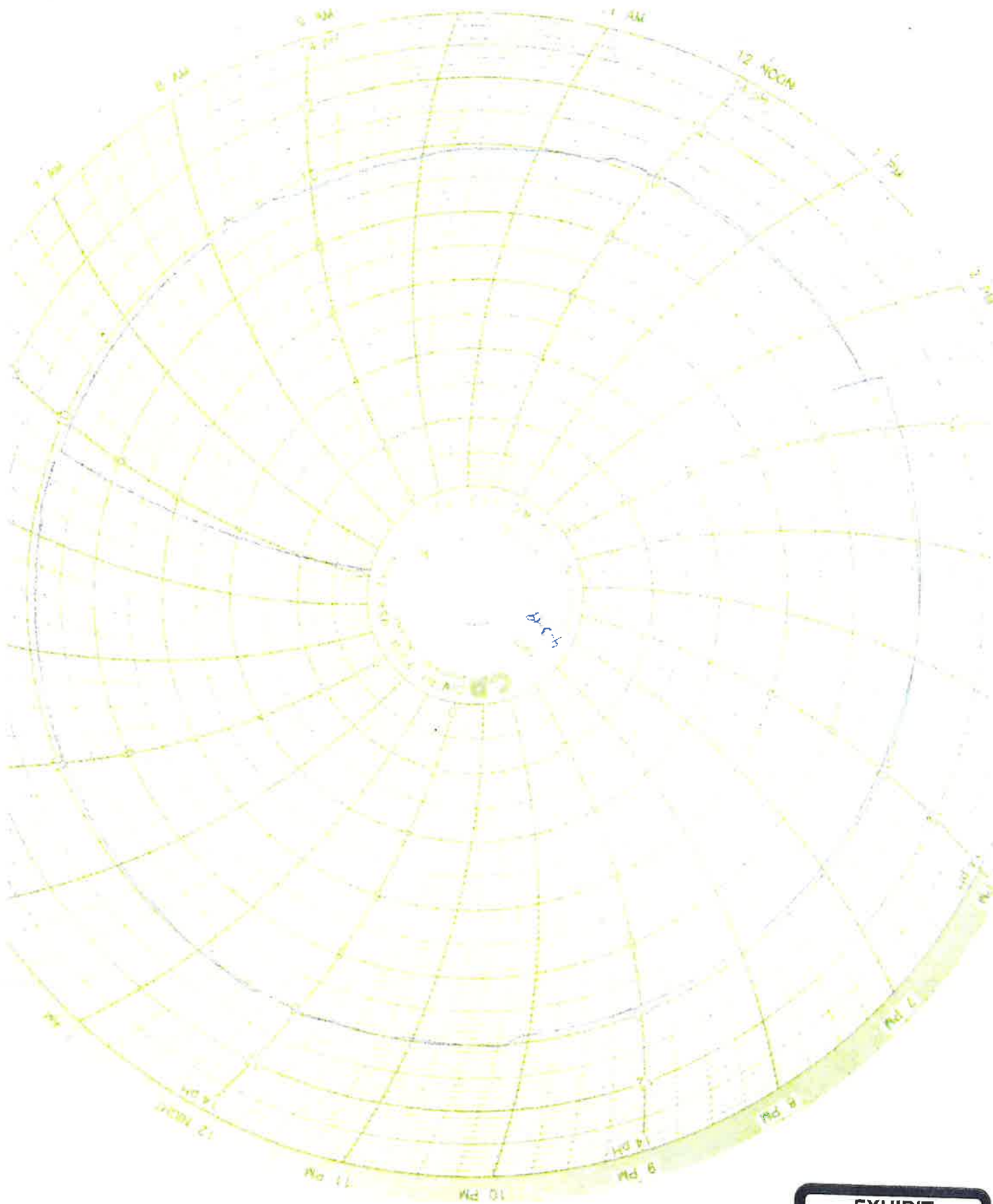


EXHIBIT  
C



KEYSTONE RUSTPROOFING  
1901 DR. THOMAS BLVD.  
ARNOLD, PA 15068  
PHONE: 724-339-7588

---

May 14, 2019

Mr. Daniel H. Rowe, Jr., Manager  
Municipal Sanitary Authority of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

Re: Notice of Violation  
April 15, 2019

Dear Mr. Rowe:

This letter is Keystone's response to the NOV dated April 10, 2019, for the month of February 2019, which was received on April 15, 2019.

The NOV identifies Zinc above permit limits for monthly and daily maximum in February. The February Zinc number was 4.04 mg/l compared to a permit maximum daily limit of 1.99, and permit monthly average limit of 1.6. As has been pointed out in earlier correspondence, the daily maximum result does meet the federal categorical limit of 4.1 under 40 CFR § 413.14. The Zinc results had been in compliance with the permit limits for August, October and December, 2018. Furthermore, when the Authority sets a daily maximum limit below the average limit, any violation will be illegally double counted as both a daily and a monthly average violation. These results should at most be a single violation.

The NOV states that Nickel was 0.413 mg/l in February 2019. These results are about double the limits in the permit, which improperly sets a daily maximum limit at 0.22 mg/l, which is about 10% of the monthly average limit of 1.99 mg/l. These results are about one tenth of the federal categorical limit of 3.98 mg/l for daily maximum and about one sixth of the federal monthly average limit in 40 CFR § 413.14 of 2.4 mg/l. The daily result would pass this federal standard. The Authority has improperly set the daily maximum limit below the average limit for zinc, so the Authority is again double counting what should be a single violation.

The Cyanide results were reported to be 0.17 mg/l for February, compared to a permit limit of 0.12 mg/l maximum and 0.53 mg/l monthly average. The February CN result would pass the federal standards under both 413.14 and 433.15. We have been advised that both Keystone and MSANK have not been preserving CN samples properly, because the samples must be dechlorinated before analysis. Our ongoing investigation identified that the preservation techniques utilized by both Keystone and MSANK for Cyanide analysis, may not have fully





D. Rowe  
May 14, 2019  
Page 2

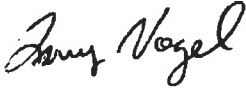
addressed the nature of the discharge. We are collecting samples using the proper preservation methods, and will report the results to MSANK.

We have been looking into whether there may be interferences in our wastewater affecting the laboratory analysis of the Cyanide samples, and the treatment process for CN containing wastes. We are continuing our investigation into the analysis and treatment of CN in our waste water.

For total metals, the permit meets the permit limit for Daily Maximum, but is slightly (4%) above the monthly average limit set in the permit. We do not think this is a significant violation.

Keystone continues its efforts to improve the discharge quality. We submitted Amendola Engineering's report of their study of the treatment system in January 18, 2019, and are following up on a number of their recommendations as detailed in my letters of March 5, 2019, March 15, 2019 and our presentation to the Board on April 15, 2019.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Larry Vogel".

Larry Vogel, Plant Manager

cc: H. Klodowski, Esquire



## MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

### IN THE MATTER OF:

**KEYSTONE RUSTPROOFING, INC.**  
**1901 Dr. Thomas Blvd.**  
**Arnold, PA 15068**

\*  
\*  
\*  
\*  
\*

**ADMINISTRATIVE**  
**SHOW CAUSE ORDER**  
**ISSUANCE DATE: MAY 15, 2019**

### LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

### FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington (MSANK) is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Keystone Rustproofing, Inc. was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000040. The permit contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer system.
4. Keystone Rustproofing, Inc. is a Significant Industrial User, as defined by the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.
5. Pursuant to the pretreatment permit, beginning on February 6, 2019, the Municipal Sanitary Authority of the City of New Kensington has been conducting an ongoing wastewater sampling program at Keystone Rustproofing, Inc to assess the compliance status on a daily basis.
6. The Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution and the Federal Regulations at 40 CFR 403.5 et seq. prohibit wastewater discharges with a pH less than 5.0 s.u.
7. Sampling data shows that Keystone Rustproofing, Inc. has exceeded the prohibited pH limit of 5.0 s.u. as follows:

<u>Date</u>	<u>pH measurement</u>
April 15, 2019	4.06 s.u.
8. Keystone Rustproofing Inc. submitted an e-mail explanation dated March 15, 2019 to the Municipal Sanitary Authority of the City of New Kensington stating their intent to incorporate corrective procedures to prevent a prohibited discharge in the future.



9. The Municipal Sanitary Authority of the City of New Kensington directed Keystone Rustproofing, Inc. by letter dated March 22, 2019 to incorporate the corrective procedures listed in the Keystone Rustproofing e-mail of March 15, 2019.
10. Keystone Rustproofing, Inc. has failed to implement corrective procedures to prevent a prohibited discharge.

**ORDER**

**THEREFORE, BASED ON THE ABOVE FINDINGS KEYSTONE RUSTPROOFING, INC.:**

1. Appear at a meeting with the Municipal Sanitary Authority of the City of New Kensington to be held on June 17, 2019 at 7:00 p.m, at the Municipal Sanitary Authority of the City of New Kensington offices.
2. At this meeting, Keystone Rustproofing, Inc. must demonstrate why the Authority should not take further enforcement action.
3. This meeting will be closed to the public.
4. Representatives of Keystone Rustproofing, Inc. may be accompanied by legal counsel if they so choose.
5. Failure to comply with this order shall also constitute a further violation of the Authority's Pretreatment Resolution and may result in a cease and desist order and termination of sewer service.
6. This order, as sent by certified mail, return receipt requested, entered May 15, 2019 shall be effective upon receipt by Keystone Rustproofing, Inc.

Signed:

*Daniel H. Rowe, Jr.*

Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Drive  
New Kensington, PA 15068



# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

---

120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

IN THE MATTER OF

KEYSTONE RUSTPROOFING, INC.  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068

\*  
\*  
\*  
\*  
\*

NOTICE OF VIOLATION  
ISSUANCE DATE:

June 3, 2019

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Keystone Rustproofing was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000040.
4. The discharge permit issued to Keystone Rustproofing contained numerical limits on the concentrations of pollutants, which Keystone Rustproofing could discharge and self-monitoring requirements.
5. Keystone Rustproofing conducted a wastewater sample event on April 29-30, 2019 at the discharge of the Keystone Rustproofing pretreatment system. The sampling event indicated exceedences of permit limits as follows:

<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u>	<u>Permit Limit (Max)</u>
4/29-30/19	Nickel	1.810 mg/l	0.220 mg/l
4/29-30/19	Total Cyanide	0.330 mg/l	0.120 mg/l
4/29-30/19	Zinc	5.820 mg/l	1.990 mg/l
4/29-30/19	Copper	3.250 mg/l	0.690 mg/l
4/29-30/19	Cadmium	2.86 mg/l	0.110 mg/l
4/29-30/19	Total Metals	11.115 mg/l	10.500 mg/l





**NOTICE OF VIOLATION**

**NOTICE**

**THEREFORE, BASED ON THE ABOVE FINDINGS KEYSTONE RUSTPROOFING, INC. IS HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, Keystone Rustproofing, Inc. shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, Keystone Rustproofing, Inc. shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed: \_\_\_\_\_

Joseph Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068



# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

**Priority Mail**

Keystone Rustproofing, Inc.  
Paul Gunsallus  
1901 Dr. Thomas Boulevard  
Arnold, PA. 15068

July 17, 2019

Re: **Penalty Notification**

Pretreatment Permit No. SMJ-000040

Mr. Gunsallus:

This letter serves notice that Keystone Rustproofing, Inc. is being assessed a Penalty Pursuant to the Industrial Pretreatment Resolution. The Industrial Pretreatment Resolution as adopted by the Municipal Sanitary Authority of the City Of New Kensington, requires The Municipal Sanitary Authority of The City of New Kensington to enforce Civil Penalties for any violations of the Industrial Pretreatment Program. This penalty is due to:

1. Nickel, T. Cyanide, Copper and Zinc SNC Max Fine Limit Exceedences on Sept. 20-21, 2018.
2. T. Metals Max Fine Limit Exceedence on Sept. 20-21, 2018.
3. Copper, T. Cyanide and Zinc SNC Avg Fine Limit Exceedences for Sept. 1-30, 2018.
4. Nickel and T. Metals Avg Fine Limit Exceedences for Sept. 1-30, 2018.
5. Nickel and T. Cyanide SNC Max Fine Limit Exceedences on October 25-26, 2018.
6. Copper Max Fine Limit Exceedence on October 25-26, 2018.
7. T. Cyanide SNC Avg Fine Limit Exceedence for October 1-31, 2018.
8. Nickel, T. Cyanide and Zinc SNC Max Fine Limit Exceedences on November 29-30, 2018.
9. Zinc and T. Cyanide SNC Avg Fine Limit Exceedences for November 1-30, 2018
10. Nickel and T. Cyanide SNC Max Fine Limit Exceedences on December 13-14, 2018.
11. T. Cyanide SNC Avg Fine Limit Exceedence for December 1-31, 2018.

This Penalty has been established in accordance with the Publicly Owned Treatment Works Penalty Law Act No.9 of 1992, 35 P.S. Section 752.1 ET. SEQ. and Federal Regulations 40 CFR Section 403.8 (f) (2) (vii). **The Total Penalty Amount is \$80,000.00 as shown in the MSANK Pretreatment Minimum Fine Schedule Minimum that is attached.**

Users have the right to appeal this Penalty within Thirty (30) Days from the date of receipt hereof to the Court of Common Pleas having Jurisdiction as is provided for under Section 7 (b) of The Publicly Owned Treatment Works Penalty Law, The Local Agency Law, 2 PA.C.S.A. 101 ET. SEQ., and Judicial Code, 42 PA. C.S.A. S762.

Questions can be addressed to my attention at the above address and phone number.

Sincerely,

The Municipal Sanitary Authority  
of The City of New Kensington, PA

---

Joseph F. Ditty  
Pretreatment Coordinator

Enclosures: Minimum Fine Schedule  
Cc: Mott Macdonald, Solicitor, File



KLODOWSKI LAW LLC  
6400 BROOKTREE COURT, SUITE 250  
WEXFORD, PENNSYLVANIA 15090  
Klodowskilaw.com

Harry F. Klodowski, Jr.  
Email: [Harry@Klodowskilaw.com](mailto:Harry@Klodowskilaw.com)

Telephone: (724) 940-4000  
Facsimile: (724) 940-4048

August 12, 2019

***VIA Certified Mail***

Mr. Joe Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the City of New Kensington  
120 Logans Ferry Rd  
New Kensington, PA 15068

Re: Keystone Rustproofing Inc v. The Municipal Sanitary Authority of the City of  
New Kensington

Dear Mr. Ditty:

Enclosed is a copy of our Petition for Review of the July 17, 2019 Penalty Assessment  
which has been filed in the Westmoreland County Court of Common Pleas.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Klodowski', with a stylized flourish at the end.

Harry Klodowski

Enclosures

cc: Larry Loperfido, Esq.  
P. Gunsallus  
L. Vogel

# Supreme Court of Pennsylvania

## Court of Common Pleas Civil Cover Sheet

Westmoreland

County

For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

### Commencement of Action:

- ☐ Complaint ☐ Writ of Summons ☒ Petition  
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Keystone Rustproofing, Inc.

Lead Defendant's Name:

The Municipal Sanitary Authority of the City of New Kens

Are money damages requested? ☐ Yes ☒ No

Dollar Amount Requested: ☐ within arbitration limits  
(check one) ☐ outside arbitration limits

Is this a *Class Action Suit*? ☐ Yes ☒ No

Is this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Harry Klodowski

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

### TORT (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other:  
\_\_\_\_\_  
\_\_\_\_\_

### CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other  
\_\_\_\_\_  
\_\_\_\_\_  
☐ Employment Dispute:  
Discrimination  
☐ Employment Dispute: Other  
\_\_\_\_\_  
\_\_\_\_\_  
☐ Other:  
\_\_\_\_\_  
\_\_\_\_\_

### CIVIL APPEALS

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other  
\_\_\_\_\_  
\_\_\_\_\_  
☐ Zoning Board  
☒ Other:  
Petition for Review  
of Sewage Fine  
\_\_\_\_\_

### MASS TORT

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:  
\_\_\_\_\_  
\_\_\_\_\_

### REAL PROPERTY

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other:  
\_\_\_\_\_  
\_\_\_\_\_

### MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other:  
\_\_\_\_\_  
\_\_\_\_\_

### PROFESSIONAL LIABILITY

- ☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional:  
\_\_\_\_\_  
\_\_\_\_\_

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

KEYSTONE RUSTPROOFING, INC.

Petitioner

vs.

THE MUNICIPAL SANITARY AUTHORITY  
OF THE CITY OF NEW KENSINGTON, PA

Respondent

NO.

TYPE OF PLEADING:

PETITION FOR REVIEW

FILED ON BEHALF OF:

Keystone Rustproofing, Inc.  
Petitioner

COUNSEL FOR THIS PARTY:

Harry Klodowski, Esquire  
PA Supreme Court ID #30569

KLODOWSKI LAW LLC

6400 Brooktree Court, Suite 250  
Wexford, PA 15090

Telephone: (724) 940-4000

Facsimile: (724) 940-4048

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW**

KEYSTONE RUSTPROOFING, INC.	)	
	)	
	)	
	)	NO.
vs.	)	
	)	
THE MUNICIPAL SANITARY AUTHORITY	)	
OF THE CITY OF NEW KENSINGTON, PA	)	

**PETITION FOR REVIEW OF PENALTY ASSESSMENT**

Pursuant to Pennsylvania Rules of Appellant Procedure 1502 and 1513, 2 Pa.C.S. § 702, and 42 Pa.C.S. § § 762 and 5105, and New Kensington Ordinance Chapter 169-16, Petitioner Keystone Rustproofing, Inc., by its undersigned attorney states the following:

1. Keystone Rustproofing (“Keystone”) is a metal finishing company located at 1901 Dr. Thomas Boulevard Arnold, Westmoreland County, Pennsylvania 15068.
2. Keystone has a Pretreatment Permit, No. SMJ-000040, (“the Permit”) from the Municipal Sanitary Authority of the City of New Kensington (“MSANK”) to discharge industrial waste into New Kensington’s Publicly Owned Treatment Works (“POTW”).
3. Keystone received their 2018 annual Permit in January 2018 (the “Permit”). Keystone has appealed the Permit in an action filed at Westmoreland County 479 of 2018.
4. Keystone received Notices of Violation (“NOVs”) from MSANK for alleged violations of its 2018 permit alleging Keystone has violated the effluent limits in the Permit. Keystone responded to the alleged violations and proposed penalty assessments.



5. On July 25, 2019, Keystone received a copy of the MSANK Penalty Assessment letter dated July 7, 2019. The penalty covers alleged violations from September to December 2019. The penalty was set at \$80,000.00. The letter dated July 17 (“Penalty Assessment Letter”) is attached as Exhibit A.
6. The Penalty Assessment letter states that Keystone has the “right to appeal this Penalty within Thirty (30) Days from the date of receipt hereof to the Court of Common Pleas having Jurisdiction as is provided for under Section 7 (b) of The Publicly Owned Treatment Works Penalty Law, The Local Agency Law, 2 PA.C.S.A. § 101 Et. Seq., and Judicial Code, 42 PA. C.S.A. § 762.”
7. The Penalties imposed are excessive because they rely on violation of Permit Limits as set in the 2018 Permit which are invalid, inter alia, because (1) the Permit sets daily maximum discharge limits lower than the monthly average limit for Copper, Nickel, Lead, Cadmium, and Cyanide; (2) monitoring is done every two months, so no monthly average can be calculated for any chemical; (3) local limits were not calculated as required by law; and (4) the permit limits for Keystone’s waste water discharged to MSANK’s POTW are lower than the amounts allowed in public drinking water for zinc, copper and cyanide.
8. Some parts of the Penalty Assessments are based on double counting alleged violations from the same day of sampling, in violation of the Public Owned Treatment Works Penalty Law Act, 35 P.S. § 752.4(b), which provides:

“For the purposes of this action a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.)”

9. The Penalty Assessments are excessively high because MSANK counts both daily maximum and monthly average permit violations from the same sample on the same day. When MSANK sets the daily maximum permit limit below the monthly average limit, a violation of the daily maximum limit must violate the monthly average limit, but there is only one violation of a daily maximum limit under 35 P.S. § 752.4(b).
10. Keystone appeals the Penalty Assessments because the discharge limits set in the Permit are arbitrary, capricious, an abuse of discretion and contrary to legal authority.
11. The alleged violations described in the NOV's and the penalties imposed are incorrect, invalid, arbitrary, capricious an abuse of discretion, and beyond MSANK's legal authority.
12. MSANK is required to consider the following factors in assessing a penalty: the nature, circumstances, extent and gravity of the violations, the culpability of the discharger, and other factors as justice may require. Section 169-44 of the Wastewater Pretreatment Standards Ordinance Chapter 169-16 of The City of New Kensington Code of Ordinances, July 5, 2007, amending New Kensington Ordinance 1-96 of September 10, 1996 and Ordinance 1-84 of July 10, 1984 ("New Kensington Ordinance"). *See also* Clean Streams Law 35 P.S. 691.605. MSANK incorrectly evaluated these penalty considerations as follows:
  - a. There are numerous examples of double counting alleged violations in the penalty assessments.
  - b. MSANK has improperly counted multiple violations for samples on the same day, for example, for Copper, Nickel, Total Cyanide and Total Metals in September

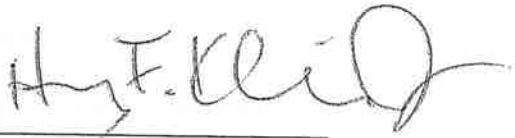
2018, for Total Cyanide in October 2018, Zinc and Total Cyanide in November 2018 and Cyanide in December 2018.

- c. MSANK calculates both a daily maximum violation and a monthly average limitation violations, based on a single sample, so any violation of the daily maximum limit must also exceed the monthly average limit for Copper, Nickel, Lead, Cyanide, and Cadmium because the “maximum” limit is set below the “average” limit, thereby inflating the number of alleged violations double counting violations from the same conduct and therefore inflating the penalty amount.
- d. When MSANK sets daily maximum limits below monthly average limits, an exceedance of the daily limit must be above the monthly limit, but there is only still only one violation—the limiting factor is the daily maximum violation, and MSANK cannot count both a daily and a monthly violation exaggerating the claimed number of violations. There are no violations of monthly average limits as assumed by MSANK in most of its penalty calculations when the daily maximum is set below the monthly average.
- e. MSANK incorrectly calculated violations for cyanide, and therefore calculated the penalties improperly. For the alleged cyanide violations, MSANK has not taken the required samples following proper protocol and on information and belief, is claiming violations if any of the four required samples is above the limit. MSANK told Keystone the average of four grab samples will be used to determine compliance for cyanide. However, two grab samples are taken within fifteen minutes at the beginning of the 24 hour monitoring period, and two grab

- samples are taken within fifteen minutes at the end of the 24 hour monitoring period. These four samples are not representative of the 24 hour daily discharge.
- f. The gravity of the alleged discharge violations is low. MSANK is not violating any limit in its discharge permit to the Allegheny River due to Keystone's discharges to MSANK's treatment plant.
  - g. The gravity of the violations is low because Keystone has not caused environmental damage to the Allegheny River, the natural environment, or human health or welfare.
  - h. It is irrational for MSANK to set limits for water entering the MSANK treatment plant that are lower than the federal drinking water standards for zinc, copper and cyanide.
  - i. The Keystone discharge does not interfere with operation of the MSANK treatment plant, or prevent MSANK from meeting MSANK's permit limits.
  - j. There is no cost of restoration or abatement of any harm to MSANK's collection system or treatment plant resulting from Keystone's discharge.
  - k. MSANK's penalty calculations rely on a formula increasing the penalty depending on the number of the exceedances and the amount the sample exceeds the permit limits. The calculations rely on an inflated number of alleged violations, and arrive at an excessive penalty.
  - l. MSANK erred in overcounting the number of violations penalties to be in "Significant Noncompliance" or "TRC" violations.
  - m. MSANK's Minimum Fine "guidance" is arbitrary and contrary to law and results in the calculation of excessive penalties..

- n. On information and belief, MSANK has typically fined Keystone for the “deterrence of future violations.” MSANK has no basis to conclude this element of the penalty is necessary to deter future violations.
- o. On information and belief, MSANK has an enforcement policy, Minimum Fine Schedule, and selects penalties from a range in these policies. MSANK typically fines Keystone for a “History Of Past Violations.” This penalty assessment is not related to the alleged violations at issue, is excessive and duplicates other elements of the penalty calculation, in part because the number of violations has been overstated as discussed herein.
- p. MSANK’s practice of increasing penalty assessments for alleged repeat violations under the Technical Review Criteria (“TRC”) and Significant Non Compliance (“SNC”) doctrines is not applicable or reasonable, and results in the calculation of excessive penalties.
- q. Keystone has made a good faith effort to build and operate a treatment plant that meets MSANK’s unusually low permit limits. Keystone has continuously attempted to improve the discharge by a series of improvements to the treatment process. Keystone has not delayed or avoided any expenditures for the violations at issue, and has not realized any economic benefit of noncompliance.
- r. Keystone is a small business and a penalty of this size will have an impact on the business. Keystone requests that the penalty be reduced to consider the lack of harm from the violations and Keystone’s continuing efforts to improve the quality of the discharge.

WHEREFORE, Keystone Rustproofing requests this Honorable Court to: (a) schedule a hearing on Keystone's appeal of the penalty; (b) set daily maximum limits above monthly average limits; (c) set a lower penalty following the statutory penalty factors and the testimony at Hearing; or (d) remand the matter to Respondent with instructions on how to revise the penalty.

  
\_\_\_\_\_  
Attorney For Petitioner

Harry F. Klodowski, Esq.  
PA ID 30569

Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
724-940-4000

Attorney For Petitioner  
Keystone Rustproofing, Inc.

[harry@klodowskilaw.com](mailto:harry@klodowskilaw.com)

# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

**Priority Mail**

Keystone Rustproofing, Inc.  
Paul Gunsallus  
1901 Dr. Thomas Boulevard  
Arnold, PA. 15068

July 17, 2019

Re: **Penalty Notification**

Pretreatment Permit No. SMJ-000040

Mr. Gunsallus:

This letter serves notice that Keystone Rustproofing, Inc. is being assessed a Penalty Pursuant to the Industrial Pretreatment Resolution. The Industrial Pretreatment Resolution as adopted by the Municipal Sanitary Authority of the City of New Kensington, requires The Municipal Sanitary Authority of The City of New Kensington to enforce Civil Penalties for any violations of the Industrial Pretreatment Program. This penalty is due to:

1. Nickel, T. Cyanide, Copper and Zinc SNC Max Fine Limit Exceedences on Sept. 20-21, 2018.
2. T. Metals Max Fine Limit Exceedence on Sept. 20-21, 2018.
3. Copper, T. Cyanide and Zinc SNC Avg Fine Limit Exceedences for Sept. 1-30, 2018.
4. Nickel and T. Metals Avg Fine Limit Exceedences for Sept. 1-30, 2018.
5. Nickel and T. Cyanide SNC Max Fine Limit Exceedences on October 25-26, 2018.
6. Copper Max Fine Limit Exceedence on October 25-26, 2018.
7. T. Cyanide SNC Avg Fine Limit Exceedence for October 1-31, 2018.
8. Nickel, T. Cyanide and Zinc SNC Max Fine Limit Exceedences on November 29-30, 2018.
9. Zinc and T. Cyanide SNC Avg Fine Limit Exceedences for November 1-30, 2018
10. Nickel and T. Cyanide SNC Max Fine Limit Exceedences on December 13-14, 2018.
11. T. Cyanide SNC Avg Fine Limit Exceedence for December 1-31, 2018.

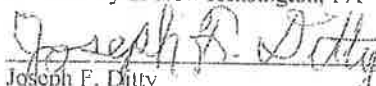
This Penalty has been established in accordance with the Publicly Owned Treatment Works Penalty Law Act No.9 of 1992, 35 P.S. Section 752.1 ET. SEQ. and Federal Regulations 40 CFR Section 403.8 (f) (2) (vii). The Total Penalty Amount is \$80,000.00 as shown in the MSANK Pretreatment Minimum Fine Schedule Minimum that is attached.

Users have the right to appeal this Penalty within Thirty (30) Days from the date of receipt hereof to the Court of Common Pleas having Jurisdiction as is provided for under Section 7 (b) of The Publicly Owned Treatment Works Penalty Law, The Local Agency Law, 2 P.A.C.S.A. 101 ET. SEQ., and Judicial Code, 42 P.A. C.S.A. S762.

Questions can be addressed to my attention at the above address and phone number.

Sincerely,

The Municipal Sanitary Authority  
of The City of New Kensington, PA

  
Joseph F. Ditty  
Pretreatment Coordinator

Enclosures: Minimum Fine Schedule  
Cc: Mott Macdonald, Solicitor, File

**EXHIBIT**

tabbles

A

Significant Industrial User: Keystone Rustproofing, Arnold, Pa.  
 Parameter Violation: Exceedance of Local and/or Federal Pret

[illegible]



- (A) A fine shall be imposed on any parameter which meets the criteria for significant noncompliance (SNC) per 40 CFR 403.8(f)(2)(viii). An industrial user is in SNC if its violation meets one or more of these criteria, among others listed in 40 CFR 403.8:
- A. Chronic violation of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.8.
  - B. Technical Review Criteria (TRC) violations, defined as those in which thirty three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, Oil and Grease and 1.2 for all other parameters except pH)
  - C. Any other violation of a Pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long term average, instantaneous limit, or narrative) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW or the general public).
  - D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of authority under paragraph (f)(1)(vi)(B) of 40 CFR 403 to halt or prevent such a discharge;
  - E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for self monitoring, completing construction or attaining final compliance.
  - F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring and reports on compliance with compliance schedules.
  - G. Failure to accurately report noncompliance.
  - H. Any other violation, or group of violations which may include a violation of Best Management Practices, which the POTW determines will adversely affect the or implementation of the local pretreatment program.

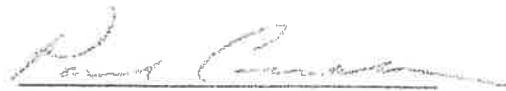
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VERIFICATION

I, Paul Gunsallus, President of Keystone Rustproofing, Inc., verify that the statements of fact made herein are true and correct to the best of my knowledge or information and belief, and are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date:

8/5/2017

  
Paul Gunsallus

**NOTICE TO PLEAD**

TO: Municipal Sewage Authority of New Kensington: You are hereby notified to file a written response to the enclosed Petition within twenty (20) days from service hereof or a judgment may be entered against you.

A handwritten signature in dark ink, appearing to read "Harry F. Klodowski", written over a horizontal line.

Harry F. Klodowski, Esq.

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW**

KEYSTONE RUSTPROOFING, INC.	)	
	)	
	)	
	)	NO.
vs.	)	
	)	
THE MUNICIPAL SANITARY AUTHORITY	)	
OF THE CITY OF NEW KENSINGTON, PA	)	

**PROPOSED ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2019, upon consideration of the foregoing Petition for Appeal from the Municipal Sanitary Authority of the City of New Kensington (“MSANK”), a Penalty Assessment and on the motion of Keystone, a hearing de novo is granted to determine whether the penalty should be vacated and determine the amount of the appropriate penalty.

BY THE COURT

\_\_\_\_\_. J.

**CONFIDENTIALITY STATEMENT**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Harry Klodowski, Esquire

Signature: \_\_\_\_\_

Name: Harry Klodowski, Esquire

Attorney No.: 30569

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the attached Petition has been served upon the Municipal Sanitary Authority of the City of New Kensington by certified mail, this 22<sup>nd</sup> day of August, 2019, at the below address:

Joe Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the City of New Kensington  
20 Logans Ferry Rd, New Kensington, PA 15068



Attorney For Petitioner  
Harry F. Klodowski, Esq.  
PA ID 30569  
Klodowski Law LLC  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090  
724-940-4000  
[harry@klodowskilaw.com](mailto:harry@klodowskilaw.com)





**THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**

**IN THE MATTER OF:**

**IN RE:**

**KEYSTONE RUSTPROOFING, INC.  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068**

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**ADMINISTRATIVE  
SHOW CAUSE ORDERS**

**SHOW CAUSE HEARING FINDINGS OF FACT**

The Municipal Sanitary Authority of the City of New Kensington held a Show Cause Hearing at The Municipal Sanitary Authority of the City of New Kensington office on Thursday, August 15, 2019 commencing at 10:00 A.M. Present for the meeting were Board members, George A. Adda, Philip Toney and Dave Hanna for The Municipal Sanitary Authority of the City of New Kensington. This hearing was held as part of a reconvened meeting original recessed on Monday, July 15, 2019 to the hearing date.

**FINDINGS OF FACT**

The Board finds as follows:

1. The Municipal Sanitary Authority of the City of New Kensington is a municipal authority of the City of New Kensington and a political subdivision of the Commonwealth of Pennsylvania, lawfully entitled to enforce rules and regulations as promulgated by state and federal agencies including, but not limited to, the Environmental Protection Agency, as a licensee and shall be required to promulgate rules to be followed by industrial providers of waste to the sanitary sewer system for treatment by the Municipal Sanitary Authority of the City of New Kensington.

2. Keystone Rustproofing, Inc. is an industrial provider of waste to the Municipal Sanitary Authority of the City of New Kensington sewer system and as such, is lawfully required to follow all rules and regulations promulgated by the sanitary sewer system provider and is subject to

annual licensing which, at all times, is subject to review and renewal by the Municipal Sanitary Authority of the City of New Kensington under and subject to the pretreatment rules promulgated by the Authority and subject to licensing, as required by the Environmental Protection Agency under and pursuant to federal law.

3. Pursuant to Section 5.2.2.5 of The Municipal Sanitary Authority of the City of New Kensington pretreatment rules, The Municipal Sanitary Authority of the City of New Kensington (hereinafter MSANK) may order any user who causes or allows a discharge sewer, industrial waste, or other waste into the POTW in violation of the provisions, requirements or pretreatment standards of this resolution or the rules or regulations of the environmental resources or the Environmental Protection Agency to show cause before MSANK why the proposed assessment of penalty and/or enforcement action should not be taken.

4. That, notice shall be served upon the user specifying the time and place of a hearing to be held by MSANK regarding the alleged violation.

5. That, notice was properly and timely served on Keystone Rustproofing, Inc., the industrial provider of waste into the POTW in violation of the provisions, requirements or pretreatment standards of MSANK and the rules promulgated by the Environmental Protection Agency.

6. That, MSANK shall conduct a hearing and take the evidence and may designate its members, any officer or the manager to:

- a. Issue in the name of MSANK notices of hearings, requesting the attendance of witnesses and the production of evidence relevant to any matter involved in said hearings;
- b. Take the evidence; and,
- c. Transmit a report of the evidence and hearing including transcripts together with recommendations of MSANK for action thereon.

7. That, pursuant to Section 5.2.2.6, MSANK may, when applicable, issue a cease and desist order if MSANK finds that a user has violated or is violating this resolution, pretreatment permit or any prohibition limitation or requirement contained herein thereby directing parties not in compliance to:

- a. Comply forthwith; and,
- b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

8. That, pursuant to Section 5.5 of the MSANK pretreatment rules, any user who violates the following conditions or applicable state or federal regulations is subject to have its pretreatment permit revoked:

- a. Failure of user to factually report the wastewater constituents and characteristic of its discharge;
- b. Failure of the user to report significant change in operation or wastewater constituents and characteristics;
- c. Refusal of reasonable access to the user's premises for the purpose of inspection and/or monitoring; or,
- d. Violation of conditions of pretreatment permit.

9. That, testimony was taken, under oath, and transcripts prepared in accordance therewith a copy of said transcript having been attached hereto and made a part of the Findings of Fact, as required, as if the same had been incorporated herein, fully.

10. That, as part of the presentation of testimony, numerous exhibits were admitted, all of which are incorporated into the record and are herein referenced and incorporated as though fully set forth herein at length.

11. That, Environmental Services Laboratory conducted testing at Keystone facilities under and pursuant to a contract with MSANK as associated with continued violations of the pretreatment permit issued by MSANK under and pursuant to the regulations promulgated by the Environmental Protection Agency and under and subject to the local limits as required by the Environmental Protection Agency.

12. That, on February 14, 2019, effluent grab tests were conducted at Keystone facility using calibrated Oakton pH testing equipment.

13. That, the calibrated test results were reported to Environmental Services Laboratory and were reviewed for purposes of issuing a report associated with pH levels for material released into the POTW.

14. The samples were taken pursuant to an effluent grab.

15. The test of February 14, 2019 resulted in a pH test result of 2.39.

16. The testing of the sample was conducted in the drain in the far back side of the building where the compositor was set up.

17. There was flow of water into the drain.

18. That, the testing units were properly and accurate calibrated.

19. That, there was a second test performed by the same technician on February 19, 2019. The test of February 19, 2019 resulted in a pH result of 0.92.

20. That, an additional test was conducted on February 25, 2019 at 9:30 A.M.

21. That, the test result of said sample was 2.32, with a duplicate test result of 2.33.

22. That, a subsequent test was conducted on March 4, 2019 at 9:30 A.M.

23. That, the sample resulted in a test result of 2.32 pH level with a duplicate test result of 2.33.

24. That, a subsequent test was performed on April 2, 2019 at 9:30 A.M.

25. That, the pH result of said test was 2.50.

26. That, a test was taken on April 1, 2019 at 11:40 A.M.

27. That, the test resulted in a pH result of 4.47, with a duplicate test result of 4.44.

28. That, a subsequent test was taken on April 15, 2019 at 12:11 P.M.

29. That, the testing resulted in a pH level of 4.06.

30. That, on all testing occasions where pH levels were in violation of the EPA limit, all testing protocol was appropriate and followed necessary testing guidelines.

31. That, on all occasions where the pH level was 5.0, all technicians who administered the test had been properly trained, all equipment was properly calibrated, and all tests were conducted properly.

32. That, testing was being conducted, on a daily basis, by the testing laboratory.

33. That, all test results were certified by appropriate laboratory employees and that the appropriate chain of custody was maintained on all testing samples.

34. That, all calibration of testing equipment occurred in a three-point calibration test to establish a linear slope as opposed to calibrating to just a zero point.

35. That, the calibration of the testing equipment utilized by the Environmental Services Laboratory (ESL) was calibrated to levels of 4.0, 7.0 and 10.0 within the linear slope.

36. That, a three-point calibration, as opposed to a one-point calibration provides additional data points to establish linearity with a calibration curve.

37. That, a one-point calibration does not establish any linearity within the results within the standards for the results to fall within that calibration range.

38. That, a one-point calibration simply proves that the instrumentation is functioning, and it reads.

39. That, a three-point calibration provides accuracy superior to a single point calibration.

40. That, a test result below 5.0 is indicative of low pH and a higher acidity to the discharge.

41. That, the test result of February 19, 2019 of .092 had a significantly concentrated higher level of acidity significantly below Environmental Protection Agency standards.

42. That, the standards established for pH levels of discharge are established by the Environmental Protection Agency.

43. That, it was admitted by Larry Vogel, Plant Manager and Senior Engineer of Keystone Rustproofing, with an educational background in science and chemistry from Duquesne University and Master's in Environmental Science from Duquesne University that a low pH is prohibited.

44. That, the testing processes of Keystone Rustproofing, namely, on their "pinwheel" test of February 19, 2019 yielded an inaccurate result of the pH in the final effluent.

45. That, the final effluent is the key testing point for pH testing.

46. That, upon testing of the effluent, independently, by Keystone on February 19, 2019 resulted in a sample result of .88 which was lower than the testing result by the MSANK testing lab.

47. That, the result of .88 is nearly pure acid.

48. That, the testimony of Patrick Hannon, in his capacity as an expert for Keystone Rustproofing, lacks credibility as to the testimony that Keystone did not have a low pH discharge on April 15, 2019 contrary to the testing results of Environmental Services Laboratory, testing lab for MSANK.

49. That, the pinwheel tests; namely, that of February 19, 2019 prove inaccurate and the Board finds the same to be wholly unreliable.

50. That, the Board find that the testing results of Keystone Rustproofing, to lack credibility.

51. That, Patrick Hannon is not an independent testing source for the effluent at Keystone Rustproofing.

52. That, Environmental Services Laboratory is an independent testing company.

53. That, the testing probes, as used by Environmental Services Laboratory were calibrated and the testing procedure employed by Environmental Services Laboratory was followed, thus, the Board finds that there were no technical abnormalities or violations within the testing procedure for low pH levels on the dates and times of the tests which resulted in a pH under 5.0.

54. That, Keystone utilizes acid in its processes for electroplating and for cleaning thereby adding acid into its system.

55. That, the tests of April 1, 2 and 15, 2019 yielded a pH level less than 5.0 in violations of federal EPA limits and MSANK limits.

56. That, the testimony of Patrick Hannon with regard to failures of the probes of ESL with regard to testing on April 1, 2 and 15, 2019 is not deemed credible and the Board finds that the test result for April 1, 2 and 15 as provided by ESL are accepted as the actual test results for said dates.

57. That, Keystone utilizes acid in its production methods and cleaning methods.

58. That, the Board does not find credible the testimony of Patrick Hannon that absent an ultra-filtration system in place, a low pH finding was not possible.

59. The Board finds that Keystone failed to substantiate its theory that its metal results on April 1, 2019, April 2, 2019 and April 15, 2019 were not consistent with the pH reads on said dates.

60. The Board finds that the independent testing by ESL was not flawed and was accurate as to pH testing levels for the date of February 14, 2019, February 19, 2019, February 25, 2019, March 4, 2019, April 1, 2019, April 2, 2019 and April 15, 2019.

61. The Board finds that there is no evidence of any equipment failures on the part of ESL and their testing processes nor any failures of probes in the testing processes.

62. The Board finds that there was no human error in the testing of pH levels on the dates of February 14, 2019, February 19, 2019, February 25, 2019, March 4, 2019, April 1, 2019, April 2, 2019 and April 15, 2019 by ESL.

63. That, the low pH levels detected at the Keystone facilities on February 14, 2019, February 19, 2019, February 25, 2019, March 4, 2019, April 1, 2019, April 2, 2019 and April 15, 2019 resulted in release of low pH level effluent to the MSANK facility.

64. That, the low pH levels are a violation of the Keystone permit, beginning on February 6, 2019, for pretreatment of industrial waste for calendar year 2019.

Respectfully submitted,



LARRY D. LOPERFITO, ESQUIRE  
Solicitor for the Authority

**GEARY AND LOPERFITO, LLC**  
159 Lincoln Avenue  
Vandergift, PA 15690  
724-568-3694



**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing Show Cause Hearing Findings of Fact have been served on the following individual via Email and regular United States Mail, postage prepaid on this 11<sup>th</sup> day of October, 2019:

Harry Klodowski, Esquire  
***Klodowski Law, LLC***  
6400 Brooktree Court, Suite 250  
Wexford, PA 15090

Daniel H. Rowe, Jr., Manager  
The Municipal Sanitary Authority of the City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

A handwritten signature in black ink, appearing to read "Larry D. Loperfido", written over a horizontal line.

**LARRY D. LOPERFIDO, ESQUIRE**  
Solicitor for the Authority



**KLODOWSKI LAW LLC**  
**6400 BROOKTREE COURT, SUITE 250**  
**WEXFORD, PENNSYLVANIA 15090**  
**Klodowskilaw.com**

Harry F. Klodowski, Jr.  
Email: [Harry@Klodowskilaw.com](mailto:Harry@Klodowskilaw.com)

Telephone: (724) 940-4000  
Facsimile: (724) 940-4048

October 11, 2019

***VIA EMAIL AND FIRST CLASS MAIL***

Mr. Daniel H. Rowe, Jr., Manager  
Municipal Sanitary Authority of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

Re: Keystone Rule to Show Cause

Dear Mr. Rowe:

I am filing Keystone Rustproofing's Proposed Findings of Fact in the Rule To Show Cause proceeding with this letter.

Kindy contact me if you have any questions on this filing.

Sincerely,



Harry Klodowski

Enclosure

cc: L. Loperfito (w/encl)  
P. Gunsallus  
L. Vogel

**MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**

**IN THE MATTER OF:**

**KEYSTONE RUSTPROOFING, INC.  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068**

**ADMINISTRATIVE  
SHOW CAUSE ORDERS**

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**KEYSTONE'S PROPOSED FINDINGS OF FACT**

Keystone Rustproofing, Inc. ("Keystone") by its counsel submit the following Proposed Findings of Fact in the referenced matter, as follows:

1. The Municipal Sanitary Authority of New Kensington ("MSANK") issued administrative Rules To Show Cause dated April 17 and May 5, 2019. (Exhibits 1, 2)
2. Keystone Rustproofing, Inc. filed timely Answers on April 25 and June 4, 2019. (Exhibits 3, 4)
3. An Evidentiary Hearing was held before a subcommittee of the Board of MSANK on August 15, 2019, with George Adda, Board Chairperson, presiding over the Hearing.
4. The Rules To Show Cause pertain to low pH discharges on February 14, 19, and 25, 2019, and on March 7, April 1, 2, and 15, 2019.
5. Keystone does not contest the alleged low pH discharges on February 14, 19 and 25. Keystone was first notified of a low pH discharge on February 19, 2019, and on that day verified the pH reading, and commenced an investigation and corrective actions.
6. Keystone verified a low pH discharge on February 19, 2019. Keystone was not notified of the alleged violations on February 14, 25, and March 7, 2019 and April 1, 2 and 15, 2019, until weeks after the dates of the alleged violations. Vogel TR 86, 93-95.

7. Daily sampling of the Keystone discharge was taken from February 5, 2019 to the present by ESL Laboratories. ESL took a pH with a handheld electronic meter, and collected a liquid composite sample for metals analysis at the laboratory. ESL was on site for less than one half hour. Moyer TR 75.

8. A grab pH sample provides information on a limited time and quantity of water. Vogel TR 100.

9. The size of the white plastic box where the grab pH samples were taken is approximately two feet square with a depth of three inches of water, containing about 10-15 gallons of water at any point in time, Lingenfelder TR 22-23, Hennon TR 140, Exhibits H-1, H-4.

10. ESL's pH readings for the daily samples are based on an instantaneous grab sample where a probe is inserted into a tank containing about 15 gallons of water for 30 seconds. Lingenfelder. TR 22-24.

11. Keystone's records of required monitoring show pH was in compliance after March 22, 2019. Exhibits A, B, C, D, E, F, and L.

12. There is no allegation of a low pH discharge from April 15, 2019 to the date of this filing, a period of over five months. See Exhibits 1, 2, and L.

13. Keystone's treatment process uses alkaline precipitation to elevate the pH of wastewater to form a solid precipitate out of dissolved metals. The precipitate is removed from the water by filtration. Vogel TR 78-81, Hennon TR 123, 130, Exhibit G.

14. An alkaline precipitation water treatment process works on the chemical principle that the solubility of a dissolved metal in water will vary with the pH of the water. Vogel TR 80-82.

15. A graph of the solubility curves for common metals was admitted into evidence as Keystone Exhibit N and explained by expert Hennon. TR 130-135.

16. Referring to Exhibit N, the Exhibit shows Nickel in water is most insoluble at a pH of slightly above 10. To remove nickel from water, Keystone raises the pH to above 10, the dissolved Nickel chemically forms a solid nickel hydroxide precipitate, and the precipitate is filtered out of the water. Hennon TR 130-135.

17. Keystone practices a similar pH adjustment and filtration process for other metals, including Copper and Zinc, which will form solid precipitates in the range of pH 9 to 10. Vogel TR 81, Hennon TR 135, Keystone Exhibit N.

18. If the pH of the water is at pH 4 or less, no removal of the metals from the waste water will occur in the treatment system. Hennon TR 139.

19. In 2015, Keystone installed and until March 11 2019, operated, an "Ultra Filtration" ("UF") system to remove precipitated metals before discharge to MSANK.

20. The UF System is considered a high standard of water filtration. Hennon TR 172.

21. The UF system contained a number of programmed daily and weekly cleaning cycles, using a strong basic wash, a strong acid wash, air sparging, and rinse with clean water, to periodically clean the UF filter elements. Vogel TR 87-88.

22. The UF system contained pressure monitors and alarms to advise when the UF elements became "dirty" and should be cleaned to resume normal operation of the UF unit. Vogel TR 87, Hennon TR 136.

23. The daily cleaning program uses about 100 gallons of basic or acidic solution to clean the UF elements, and usually takes 15-20 minutes for a cleaning cycle. This cleaning solution, and the rinse or wash water is not supposed to be discharged to the outfall. Under normal

operation the used cleaning solution and rinse water is piped “upstream” in the treatment system for treatment before discharge. Vogel TR 89.

24. Keystone experienced problems with the UF program in February 2019 and reinstalled the program. Vogel TR 90.

25. On February 19, 2019, after the report of low pH at the discharge, Keystone found the pH of the final discharge was around one while, the pH of water leaving the clarifier was pH of 10. Vogel TR 86.

26. Keystone added basic chemical to raise the pH immediately. Vogel TR 87, 88, 103. Keystone found the UF acid cleaning wash or wash water was entering the discharge for three to five minutes after system was set to “filtrate” or discharge mode. This was a malfunction of the cleaning system. Vogel TR 87, 88, Hennon TR 139, 156.

27. Keystone took measures to manually divert UF cleaning and wash waters from the point of discharge beginning on February 19, 2019. Vogel TR 87, 88.

28. Between February 19 and March 11 2019 Keystone took a number of measures to repair the UF system and clean the UF system. Vogel TR 91.

29. Between March 5 and March 11, 2019 Keystone tested use of an alternative spun polyester disposable cartridge filter in place of the UF system. Vogel TR 90.

30. On March 11, 2019 Keystone took the UF unit out of service, but continued efforts to repair the UF unit. Vogel TR 8-90.

31. On March 15, 2019 Vogel notified MSANK of the results of the investigation and the corrective actions that had been taken. Exhibit I.

32. The UF unit was physically disconnected from the treatment system on April 18, 2019. Vogel TR 91.

33. Keystone operates a pH meter with a paper chart recorder that keeps a 24 hour record of pH. Vogel TR 80, 82, Exhibits A through F.

34. The sensor probe for the recording pH meter was located at clarifier outlet since approximately 2001. Vogel TR 91.

35. MSANK knew the location of the pH probe was at the exit of the clarifier. Vogel TR 93.

36. On March 27, 2019 Keystone relocated the pH probe for the recording pH meter from the outflow of the clarifier to the discharge point. Vogel TR 92.

37. After March 27, 2019 Keystone's recording pH meter recorded the pH from almost the same spot that ESL's pH grab samples were taken.

38. The pH probe should have been relocated from the discharge from the clarifier to the final discharge point when UF unit was installed. Hennon TR 129.

39. Hennon observed calibration of relocated pH probe. Hennon 130-131.

40. The recording pH meter probe installed on March 27, 2019 was calibrated. A record of the calibration was admitted as Keystone Exhibits J, K.

41. Joe Ditty observed and tested the relocated recording pH probe at the discharge box and believed it was working properly. Ditty, TR 111.

42. Keystone's records of required monitoring show pH was in compliance on April 15, 2019. Exhibit F.

43. Keystone was first notified of alleged pH violations on April 1, 2 and 15 after the MSANK Board meeting on April 15. Vogel TR 86, 93.

44. The records of Keystone's pH meter for April 1, 2 and 3 were admitted into evidence as Keystone Exhibits A, B, and C and do not show pH exceedances on April 1 or 2, 2019.



45. On April 25, 2019, Keystone was first notified of an alleged low pH discharge on April 15, 2019. Keystone was not able to verify the low pH reading, and was not able to confirm the report of low pH because Keystone's records show no low pH on that date. Keystone therefore contests the allegation of low pH on April 15. Vogel TR 94, Exhibit F.

46. The records of Keystone's pH meter for April 12, 14, and 15 were admitted as Exhibits D, E, and F and do not show pH exceedances on April 15, 2009.

47. Since April 16, 2019, Keystone is continuing to take 24 hour pH readings, is calibrating the recording pH meter daily, Vogel TR 94, is taking pH readings every two hours during day light shift. These measurements do not show any low pH discharges after April 16. The log of these measurements was admitted as Keystone Exhibit L.

48. If MSANK's lab technician finds a low pH, they have been asked to notify Keystone immediately to allow follow up investigation. Vogel TR 97, Exhibits I, K, L.

49. Mr. Pat Hennon is an engineer who has worked in the field of wastewater treatment for 47 years, and served as the President of the Pittsburgh Chapter of the American Electroplating Association. Hennon TR 120, Exhibit M.

50. Mr. Hennon was qualified as an expert witness in the field of wastewater engineering. TR 121.

51. Mr. Hennon was hired by Keystone to study and improve the Keystone treatment system in 2017 and has been at the Keystone plant more than twelve times. Hennon TR 121.

52. The Keystone metals treatment system works best at a pH of about ten. Hennon TR 135, Exhibit N.

53. The ESL daily samples were analyzed for metals as well as pH. The pH was an instantaneous grab sample, but metals were sampled on a 24 hour composite basis.

54. Exhibit N is an EPA metals solubility curve showing the pH level needed to remove metals from solution. Hennon 133.

55. The metals results for April 1, 2019 are in compliance with the metals limits for chrome, copper, nickel and zinc in the permit and are not consistent with a pH of 4.4. Exhibits 11, O-3.

56. The metals results for April 2, 2019 are in compliance with the metals limits for chrome, copper, and nickel in the permit and are not consistent with a pH of 2.2. Exhibits 9, O-2.

57. The metals results for April 15, 2019 are in compliance with the metals limits for chrome, copper, nickel and zinc in the permit and are not consistent with a pH of four. TR 137-138, Exhibits 12, O-1.

58. The results of the metals analysis reported on April 15, 2019 show very low levels of metals that are not consistent with a pH of 4. Hennon TR 137-138.

59. The analytical results for the April dates with low reported pH grab sample results do not show high levels of metals in the discharge, which tends to indicate any pH excursions, if there were any, are transient short time and small volume events. Hennon TR 137-138.

60. Mr. Vogel estimated the quantity of low pH water observed on February 19, 2019 as about 100 gallons. Vogel TR 88.

61. Mr. Hennon's expert opinion is that the quantity of low pH waters reflected in the ESL grab samples was 10 to 100 gallons, probably 15 gallons, Hennon TR 127, 140, compared to 2,000 gallons of water at a pH around 10 in the clarifier.

62. It takes far less acid to lower the pH of 15 gallons of water to a pH of four, than to lower the pH of 2,000 gallons of water to pH 4. Hennon TR 139-141.

63. On April 15, 2019, all of the water discharged from the clarifier without the opportunity to add anything between the clarifier and discharge. Hennon TR 132.

64. In Hennon's expert opinion, there was no low pH discharge on April 1, 2 or April 15, 2019. Hennon TR 138.

65. The small quantities of low pH wastewater that may have been discharged, Hennon TR 156, in February and March 2019, were caused by an equipment malfunction. Vogel TR 87-88. The malfunctioning equipment has been disconnected. Hennon TR 131.

66. There have been no alleged low pH allegations in the five months since April 15, 2019. Exhibits 1, 2; Vogel TR 95.

67. The small quantity low pH discharges have not caused any damage to air, water, land or other natural resources; have not interfered with the operation of MSANK's treatment plant or damaged any MSANK treatment equipment; have not caused MSANK to violate their discharge permit limits; have not caused any costs of restoration or abatement; and have not resulted in any cost savings to Keystone.

68. The Presiding Officer erred in sustaining MSANK's Objection and refusing to let Mr. Hennon, a qualified expert, testify, TR 140-146, and introduce Exhibits P and Q explaining his calculations of the high quantity of acid it would take to reduce the water in the 2,000 gallon clarifier tank to a pH below five and of the amount of time it would take to lower the pH in the clarifier to pH 4. TR 149.

WHEREFORE, Keystone Rustproofing requests the Sanitary Authority to take no further enforcement action with regard to pH discharges below 5, as the malfunctioning equipment has

been taken permanently out of service and there have been no low pH excursions for over five months according to both the ESL daily grab samples and Keystone's recording pH meter.

Respectfully Submitted,



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Counsel for Petitioner  
Keystone Rustproofing, Inc.

October 11, 2019

# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

120 Logans Ferry Road, N  
Phone (724

7019 0700 0001 5868 4275

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
NEW KENSINGTON, PA 15068	
Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.15
Total	\$7.45
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Street	
City	
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NEW KENSINGTON, PA 15068  
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10/31/2019

Keystone Rustproofing  
Paul Gunsallus  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068

## NOTICE OF VIOLATION

IN THE MATTER OF

KEYSTONE RUSTPROOFING, INC.  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068

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\*  
\*  
\*  
\*

NOTICE OF VIOLATION  
ISSUANCE DATE:

October 30, 2019

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Keystone Rustproofing was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000040.
4. The discharge permit issued to Keystone Rustproofing contained numerical limits on the concentrations of pollutants, which Keystone Rustproofing could discharge and self-monitoring requirements.
5. The Municipal Sanitary Authority contracted with Environmental Service Laboratories to conduct wastewater sampling from February 6, 2019 through August 12, 2019 at the discharge of the Keystone Rustproofing pretreatment system.



6. Keystone Rustproofing also conducted self-monitoring events during February, April and June at the discharge of the Keystone Rustproofing pretreatment system, as required by their pretreatment permit.
7. Analytical results of these sampling events indicated exceedences of the permit limits as follows. Red face type indicates a Technical Review Criteria (TRC) violation. A TRC violation is defined in 40 CFR 403.8 as those in which 33% or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirements, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC; TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other parameters except pH. SNC refers to significant noncompliance.

<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u> <u>(mg/l)</u>	<u>Daily Maximum</u> <u>Permit Limit (mg/l)</u>	<u>TRC/SNC Limit</u> <u>(mg/l)</u>
2/6/19	Nickel	0.741	0.22	0.264
2/6/19	Zinc	12.7	1.99	2.388
2/6/19	Chromium	5.770	5.58	6.696
2/6/19	Total Metals	19.477	10.5	12.600
2/7/19	Total Cyanide	7.4	0.12	0.144
2/7/19	Copper	2.73	0.69	0.8280
2/7/19	Nickel	2.79	0.22	0.264
2/8/19	Copper	1.95	0.69	0.828
2/8/19	Nickel	0.487	0.22	0.264
2/8/19	Total Cyanide	1.7	0.12	0.144
2/11/19	Total Cyanide	0.57	0.12	0.144
2/12/19	Nickel	0.615	0.22	0.264
2/12/19	Total Cyanide	1.6	0.12	0.144
2/13/19	Copper	0.839	0.69	0.828
2/13/19	Nickel	0.531	0.22	0.264
2/13/19	Total Cyanide	0.8	0.12	0.144
2/14/19	Nickel	0.324	0.22	0.264
2/14/19	Total Cyanide	0.9	0.12	0.144
2/15/19	Zinc	2.320	1.99	2.388
2/15/19	Copper	2.75	0.69	0.828
2/15/19	Nickel	3.95	0.22	0.264
2/15/19	Total Cyanide	8.4	0.12	0.144
2/18/19	Zinc	5.67	1.99	2.388
2/18/19	Copper	1.46	0.69	0.828
2/18/19	Nickel	2.39	0.22	0.264
2/19/19	Zinc	9.25	1.99	2.388
2/19/19	Copper	1.11	0.69	0.828
2/19/19	Total Metals	13.77	10.5	12.600
2/19/19	Nickel	2.09	0.22	0.264
2/19/19	Total Cyanide	1.1	0.12	0.144
2/20/19	Zinc	10.9	1.99	2.388
2/20/19	Copper	1.42	0.69	0.828
2/20/19	Total Metals	17.09	10.5	12.600
2/20/19	Nickel	2.83	0.22	0.264
2/20/19	Total Cyanide	2.5	0.12	0.144
2/21/19	Nickel	0.83	0.22	0.264
2/21/19	Total Cyanide	1.9	0.12	0.144
2/22/19	Copper	0.926	0.69	0.828
2/22/19	Nickel	0.775	0.22	0.264
2/22/19	Total Cyanide	1.1	0.12	0.144
2/25/19	Total Cyanide	0.25	0.12	0.144
2/26/19	Nickel	0.41	0.22	0.264
2/26/19	Total Cyanide	0.51	0.12	0.144





<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u> <u>(mg/l)</u>	<u>Daily Maximum</u> <u>Permit Limit (mg/l)</u>	<u>TRC/SNC Limit</u> <u>(mg/l)</u>
2/27/19	Zinc	3.12	1.99	2.388
2/27/19	Nickel	0.432	0.22	0.264
2/27/19	Total Cyanide	0.15	0.12	0.144
2/28/19	Zinc	3.880	1.99	2.388
2/28/19	Nickel	0.575	0.22	0.264
2/28/19	Total Cyanide	0.23	0.12	0.144
2/28/19	Zinc	4.04	1.99	2.388
2/28/19	Nickel	0.413	0.22	0.264
2/28/19	Total Cyanide	0.170	0.12	0.144
3/1/19	Zinc	6.180	1.99	2.388
3/1/19	Nickel	0.357	0.22	0.264
3/1/19	Total Cyanide	0.72	0.12	0.144
3/4/19	Nickel	0.38	0.22	0.264
3/5/19	Zinc	3.44	1.99	2.388
3/5/19	Nickel	0.555	0.22	0.264
3/5/19	Total Cyanide	0.6	0.12	0.144
3/6/19	Zinc	5.060	1.99	2.388
3/6/19	Nickel	0.564	0.22	0.264
3/6/19	Total Cyanide	0.69	0.12	0.144
3/7/19	Zinc	17.7	1.99	2.388
3/7/19	Copper	1.870	0.69	0.828
3/7/19	Total Metals	22.490	10.5	12.600
3/7/19	Nickel	1.51	0.22	0.264
3/7/19	Total Cyanide	0.14	0.12	0.144
3/8/19	Zinc	5.14	1.99	2.388
3/8/19	Nickel	0.319	0.22	0.264
3/12/19	Zinc	10.3	1.99	2.388
3/12/19	Total Metals	11.918	10.5	12.600
3/12/19	Nickel	0.834	0.22	0.264
3/13/19	Zinc	2.1	1.99	2.388
3/13/19	Copper	0.793	0.69	0.828
3/13/19	Nickel	0.561	0.22	0.264
3/13/19	Total Cyanide	0.8	0.12	0.144
3/14/19	Zinc	4.14	1.99	2.388
3/14/19	Copper	1.13	0.69	0.828
3/14/19	Nickel	0.277	0.22	0.264
3/14/19	Total Cyanide	0.600	0.12	0.144
3/15/19	Zinc	2.72	1.99	2.388
3/18/19	Zinc	3.68	1.99	2.388
3/19/19	Zinc	9.880	1.99	2.388
3/19/19	Total Metals	11.482	10.5	12.600
3/19/19	Nickel	0.609	0.22	0.264
3/19/19	Total Cyanide	0.35	0.12	0.144
3/20/19	Zinc	2.470	1.99	2.388
3/20/16	Copper	0.774	0.69	0.828
3/21/19	Zinc	2.64	1.99	2.388
3/21/19	Copper	0.749	0.69	0.828
3/22/19	Zinc	6.19	1.99	2.388
3/22/19	Nickel	0.326	0.22	0.264
3/25/19	Nickel	0.618	0.22	0.264
3/26/19	Zinc	3.52	1.99	2.388
3/26/19	Nickel	0.27	0.22	0.264
3/27/19	Zinc	6.97	1.99	2.388



<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u> <u>(mg/l)</u>	<u>Daily Maximum</u> <u>Permit Limit (mg/l)</u>	<u>TRC/SNC Limit</u> <u>(mg/l)</u>
3/27/19	Copper	0.959	0.69	0.828
3/27/19	Nickel	1.050	0.22	0.264
3/29/10	Chromium	7.9	5.58	6.696
4/2/19	Zinc	2.590	1.99	2.388
4/3/19	Zinc	9.96	1.99	2.388
4/3/19	Copper	0.691	0.69	0.828
4/3/19	Total Metals	11.37	10.5	12.600
4/3/19	Nickel	0.351	0.22	0.264
4/4/19	Zinc	5.94	1.99	2.388
4/9/19	Zinc	21	1.99	2.388
4/9/19	Total Metals	23.12	10.5	12.600
4/9/19	Nickel	0.281	0.22	0.264
4/10/19	Zinc	6.65	1.99	2.388
4/11/19	Zinc	7.480	1.99	2.388
4/12/19	Nickel	0.278	0.22	0.264
4/12/19	Zinc	3.42	1.99	2.388
4/16/19	Zinc	2.01	1.99	2.388
4/17/19	Zinc	3.86	1.99	2.388
4/18/19	Zinc	2.67	1.99	2.388
4/23/19	Zinc	11.6	1.99	2.388
4/23/19	Total Metals	15.588	10.5	12.600
4/23/19	Nickel	0.43	0.22	0.264
4/24/19	Zinc	4.77	1.99	2.388
4/24/19	Nickel	0.276	0.22	0.264
4/25/19	Nickel	0.273	0.22	0.264
4/25/19	Zinc	5.11	1.99	2.388
4/26/19	Total Cyanide	0.681	0.12	0.144
4/29/19	Nickel	0.658	0.22	0.264
4/29/19	Copper	1.19	0.69	0.828
4/29/19	Total Cyanide	0.436	0.12	0.144
4/30/19	Nickel	1.05	0.22	0.264
4/30/19	Zinc	3.6	1.99	2.388
4/30/19	Copper	4.54	0.69	0.828
4/30/19	Total Cyanide	0.2	0.12	0.144
4/30/19	Copper	3.25	0.69	0.828
4/30/19	Cadmium	2.86	0.11	0.132
4/30/19	Total Metals	11.151	10.5	12.600
4/30/19	Total Cyanide	0.33	0.12	0.144
4/30/19	Nickel	1.810	0.22	0.264
4/30/19	Zinc	5.820	0.22	0.264
5/1/19	Zinc	24.6	1.99	2.388
5/1/19	Copper	8.63	0.69	0.828
5/1/19	Cadmium	14.2	0.11	0.132
5/1/19	Total Metals	40.24	10.5	12.600
5/1/19	Nickel	3.31	0.22	0.264
5/1/19	Total Cyanide	0.47	0.12	0.144
5/2/19	Zinc	9.16	0.99	2.388
5/2/19	Copper	3.98	0.69	0.828
5/2/19	Cadmium	2.98	0.11	0.132
5/2/19	Total Metals	15.964	10.5	12.600
5/2/19	Nickel	2.46	0.22	0.264
5/3/19	Zinc	2.51	1.99	2.388
5/3/19	Copper	2.03	0.69	0.828



<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u> <u>(mg/l)</u>	<u>Daily Maximum</u> <u>Permit Limit (mg/l)</u>	<u>TRC/SNC Limit</u> <u>(mg/l)</u>
5/3/19	Nickel	0.699	0.22	0.264
5/3/19	Total Cyanide	0.417	0.12	0.144
5/7/19	Zinc	2.430	1.99	2.388
5/7/19	Nickel	0.302	0.22	0.264
5/8/19	Zinc	5.050	1.99	2.388
5/8/19	Cadmium	0.135	0.11	0.132
5/8/19	Nickel	0.382	0.22	0.264
5/8/19	Total Cyanide	0.457	0.12	0.144
5/9/19	Zinc	2.27	1.99	2.388
5/10/19	Zinc	3.6	1.99	2.388
5/10/19	Copper	0.762	0.69	0.828
5/13/19	Total Cyanide	0.396	0.12	0.144
5/15/19	Zinc	8.34	0.99	2.388
5/15/19	Copper	1.23	0.69	0.828
5/15/19	Total Metals	14.47	10.5	12.600
5/15/19	Nickel	1.930	0.22	0.264
5/15/19	Total Cyanide	0.200	0.12	0.144
5/16/19	Zinc	4.17	1.99	2.388
5/21/19	Zinc	19.4	1.99	2.388
5/21/19	Copper	1.42	0.69	0.828
5/21/19	Total Metals	21.768	10.5	12.600
5/21/19	Nickel	0.85	0.22	0.264
5/22/19	Zinc	2.080	1.99	2.388
5/23/19	Zinc	10.600	1.99	2.388
5/23/19	Chromium	8.91	5.58	6.696
5/23/19	Total Metals	20.414	10.5	12.600
5/23/19	Nickel	0.274	0.22	0.264
5/23/19	Total Cyanide	1.4	0.12	0.144
5/24/19	Zinc	2.52	1.99	2.388
5/24/19	Total Cyanide	0.13	0.12	0.144
5/31/19	Zinc	2.96	1.99	2.388
5/31/19	Copper	0.952	0.69	0.828
6/3/19	Total Cyanide	1.3	0.12	0.144
6/4/19	Copper	1.25	0.69	0.828
6/5/19	Copper	1.05	0.69	0.828
6/5/19	Total Cyanide	0.74	0.12	0.144
6/6/19	Zinc	2.62	1.99	2.388
6/6/19	Copper	0.927	0.69	0.828
6/6/19	Total Cyanide	0.38	0.12	0.144
6/7/19	Copper	1.1	0.69	0.828
6/10/19	Copper	2.29	0.69	0.828
6/10/19	Nickel	0.316	0.22	0.264
6/10/19	Total Cyanide	3.8	0.12	0.144
6/11/19	Copper	1.03	0.69	0.828
6/12/19	Total Cyanide	0.17	0.12	0.144
6/13/19	Total Cyanide	0.43	0.12	0.144
6/14/19	Zinc	6.71	1.99	2.388
6/14/19	Copper	1.25	0.69	0.828
6/14/19	Nickel	0.276	0.22	0.264
6/14/19	Total Cyanide	1.8	0.12	0.144
6/17/19	Zinc	3.3	1.99	2.388
6/17/19	Copper	2.080	0.69	0.828
6/17/19	Nickel	0.303	0.22	0.264



<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u> <u>(mg/l)</u>	<u>Daily Maximum</u> <u>Permit Limit (mg/l)</u>	<u>TRC/SNC Limit</u> <u>(mg/l)</u>
6/17/19	Total Cyanide	2.9	0.12	0.144
6/18/19	Copper	1.12	0.69	0.828
6/18/19	Total Cyanide	0.46	0.12	0.144
6/19/19	Copper	0.975	0.69	0.828
6/19/19	Total Cyanide	0.34	0.12	0.144
6/20/19	Zinc	4.44	1.99	2.388
6/20/19	Total Cyanide	0.44	0.12	0.144
6/21/19	Total Cyanide	0.99	0.12	0.144
6/24/19	Copper	0.844	0.69	0.828
6/25/19	Copper	1.69	0.69	0.828
6/25/19	Nickel	0.325	0.22	0.264
6/25/19	Total Cyanide	0.93	0.12	0.144
6/27/19	Chromium	6.05	5.58	6.696
6/27/19	Total Cyanide	0.48	0.12	0.144
6/28/19	Zinc	2.69	1.99	2.388
6/28/19	Copper	0.948	0.69	0.828
7/1/19	Total Cyanide	0.160	0.12	0.144
7/2/19	Zinc	2.610	1.99	2.388
7/3/19	Chromium	18.3	5.58	6.696
7/3/19	Total Metals	20.192	10.5	12.600
7/9/19	Zinc	8.21	1.99	2.388
7/9/19	Copper	0.722	0.69	0.828
7/10/19	Total Cyanide	0.73	0.12	0.144
7/11/19	Copper	5.61	0.69	0.828
7/11/19	Chromium	6.56	5.58	6.696
7/11/19	Total Cyanide	0.16	0.12	0.144
7/11/19	Total Metals	12.178	0.12	0.144
7/12/19	Total Cyanide	1.6	0.12	0.144
7/15/19	Copper	2.27	0.69	0.828
7/15/19	Nickel	0.356	0.22	0.264
7/16/19	Zinc	2.870	1.99	2.388
7/16/19	Copper	1.25	0.69	0.828
7/16/19	Nickel	0.273	0.22	0.264
7/16/19	Total Cyanide	0.15	0.12	0.144
7/17/19	Copper	2.140	0.69	0.828
7/17/19	Nickel	0.333	0.22	0.264
7/17/19	Total Cyanide	4.6	0.12	0.144
7/18/19	Copper	1.43	0.69	0.828
7/18/19	Nickel	0.729	0.22	0.264
7/18/19	Total Cyanide	0.22	0.12	0.144
7/19/19	Zinc	4.38	1.99	2.388
7/19/19	Copper	0.775	0.69	0.828
7/19/19	Nickel	0.68	0.22	0.264
7/19/19	Total Cyanide	1.7	0.12	0.144
7/22/19	Copper	1.64	0.69	0.828
7/22/19	Nickel	0.298	0.22	0.264
7/22/19	Total Cyanide	0.44	0.12	0.144
7/23/19	Copper	2.74	0.69	0.828
7/23/19	Nickel	0.359	0.22	0.264
7/24/19	Zinc	2.740	1.99	2.388
7/24/19	Copper	2.530	0.69	0.828
7/24/19	Nickel	0.529	0.22	0.264
7/24/19	Total Cyanide	2.3	0.12	0.144





<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u> <u>(mg/l)</u>	<u>Daily Maximum</u> <u>Permit Limit (mg/l)</u>	<u>TRC/SNC Limit</u> <u>(mg/l)</u>
7/29/19	Total Cyanide	0.7	0.12	0.144
7/30/19	Copper	1.38	0.69	0.828
7/31/19	Copper	1.32	0.69	0.828
7/31/19	Chromium	6.12	5.58	6.696
7/31/19	Total Cyanide	2.2	0.12	0.144
8/1/19	Zinc	3.32	1.99	2.388
8/6/19	Zinc	7.62	1.99	2.388
8/6/19	Nickel	0.255	0.22	0.264
8/8/19	Zinc	4.46	1.99	2.388
8/9/19	Zinc	4.09	1.99	2.388
8/9/19	Nickel	0.697	0.22	0.264
8/9/19	Total Cyanide	0.15	0.12	0.144
8/12/19	Zinc	3.48	1.99	2.388
8/12/19	Nickel	0.262	0.22	0.264



<u>Date</u>	<u>Pollutant</u>	<u>Monthly Average Analytical Results</u> (mg/l)	<u>Monthly Average Permit Limit</u> (mg/l)	<u>Monthly Average SNC/TRC Limit</u> (mg/l)
2/1/19 thru 2/28/19	Zinc	3.3858	1.69	2.028
2/1/19 thru 2/28/19	Total Metals	6.8913	5.0	6.000
2/1/19 thru 2/28/19	Total Cyanide	1.6306	0.53	0.636
3/1/19 thru 3/31/19	Total Metals	6.7966	5.0	6.000
3/1/19 thru 3/31/19	Zinc	4.6084	1.69	2.028
4/1/19 thru 4/30/19	Zinc	4.5982	1.69	2.028
4/1/19 thru 4/30/19	Total Metals	6.0181	5.0	6.000
5/1/19 thru 5/31/19	Zinc	4.793	1.69	2.028
5/1/19 thru 5/31/19	Cadmium	0.8022	0.36	0.432
5/1/19 thru 5/31/19	Total Metals	7.2868	5.0	6.000
6/1/19 thru 6/30/19	Total Cyanide	0.7314	0.53	0.636
7/1/19 thru 7/31/19	Zinc	1.736	1.69	2.028
7/1/19 thru 7/31/19	Chromium	2.385	2.23	2.676
7/1/19 thru 7/31/19	Total Metals	5.617	5.0	6.000
7/1/19 thru 7/31/19	Total Cyanide	0.726	0.53	0.636

<u>Date</u>	<u>Parameter</u>	<u>Analytical Results</u> (s.u.)	<u>Permit Limits</u> (s.u.)	<u>Prohibited Limit</u>
2/14/19	pH	2.39	6.0-11.5	5.00
2/15/19	pH	5.81	6.0-11.5	5.00
2/19/19	pH	0.92	6.0-11.5	5.00
2/25/19	pH	2.32	6.0-11.5	5.00
2/28/19	pH	11.87	6.0-11.50	12.50
3/4/19	pH	2.32	6.0-11.5	5.00
4/1/19	pH	4.47	6.0-11.5	5.00
4/2/19	pH	2.50	6.0-11.5	5.00
4/9/19	pH	12.20	6.0-11.5	12.50
4/11/19	pH	11.99	6.0-11.5	12.50
4/12/19	pH	11.65	6.0-11.5	12.50
4/15/19	pH	4.06	6.0-11.5	5.00
5/2/19	pH	11.76	6.0-11.5	12.50

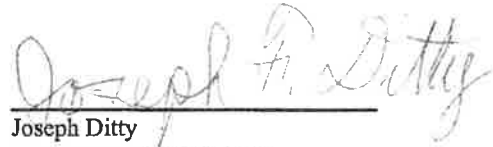
## NOTICE OF VIOLATION

### NOTICE

**THEREFORE, BASED ON THE ABOVE FINDINGS KEYSTONE RUSTPROOFING, INC. IS HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within thirty (30) days following receipt of this Notice of Violation, Keystone Rustproofing, Inc. shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, Keystone Rustproofing, Inc. shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed:



Joseph Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

## **ADMINISTRATIVE COMPLIANCE ORDER**

### **MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON**

**IN THE MATTER OF**

**KEYSTONE RUSTPROOFING, INC.  
1901 Dr. Thomas Blvd.  
Arnold, PA 15068**

\*  
\*  
\*  
\*  
\*

**ADMINISTRATIVE  
COMPLIANCE ORDER**

### **LEGAL AUTHORITY**

The following findings are made and order issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

### **FINDINGS**

1. Keystone Rustproofing, Inc. discharges nondomestic wastewater containing pollutants into sewer system and treatment works operated by the Municipal Sanitary Authority of the City of New Kensington.
2. Keystone Rustproofing, Inc. is a Significant Industrial User as defined in the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.
3. Keystone Rustproofing, Inc. was issued Pretreatment Discharge Permit No. SMJ-000040, that became effective January 1, 2019 which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer system.
4. Pursuant to the Pretreatment Resolution and the above referenced permit, data is routinely collected or submitted on the compliance status of Keystone Rustproofing, Inc.
5. This data shows that Keystone Rustproofing, Inc has violated its wastewater discharge permit in the following manner:
  - a. The violations listed in the Notice of Violation dated October 30, 2019, as attached.
6. This data shows that Keystone Rustproofing, Inc was in significant noncompliance during the January – June 2019 reporting period.

## ADMINISTRATIVE COMPLIANCE ORDER

### ORDER

**THEREFORE, BASED ON THE ABOVE FINDINGS KEYSTONE RUSTPROOFING, INC. IS HEREBY ORDERED TO:**

1. Keystone Rustproofing, Inc. shall cease and desist from any further discharge of effluent with a pH level of less than 5.0 s.u., which is in violation of the Federal Prohibited Discharge standards.
2. Keystone Rustproofing, Inc. shall submit, for a period of one year, to pH testing to be performed by Environmental Service Laboratories or the designated testing agency of the Municipal Sanitary Authority of the City of New Kensington with all costs for the daily testing and submission of the results to be borne by Keystone Rustproofing, Inc.
3. Keystone Rustproofing, Inc. shall reimburse the Municipal Sanitary Authority of the City of New Kensington for all costs, fees and expenses incurred in the prosecution of the Show Cause Hearing.
4. The Municipal Sanitary Authority of the City of New Kensington deems the pH violations to be significant and substantial in nature and shall assess a penalty violation for the violations as follows by date:

February 14, 2019	\$1000.00 plus costs, fees and expenses
February 19, 2019	\$1000.00 plus costs, fees and expenses
February 25, 2019	\$1000.00 plus costs, fees and expenses
March 4, 2019	\$1000.00 plus costs, fees and expenses
April 1, 2019	\$1000.00 plus costs, fees and expenses
April 2, 2019	\$1000.00 plus costs, fees and expenses
April 15, 2019	\$1000.00 plus costs, fees and expenses

5. Further, Keystone Rustproofing, Inc. is ordered to modify production operations and/or modify the existing pretreatment system to facilitate a return to compliance with the discharge permit limitations in accordance with the following schedule:

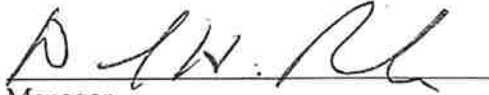
#### Milestone Event

#### By no later than

- |  |                 |
|--|-----------------|
| a. Investigate alternative treatment technologies or alternative production operations             | January 1, 2020 |
| b. Begin implementation of alternative treatment technologies or alternative production operations | March 1, 2020   |
| c. Complete implementation of alternative treatment technologies or production operations          | May 1, 2020     |
| d. Obtain full pretreatment plant operational status and achieve compliance                        | July 1, 2020    |
6. Keystone Rustproofing is also ordered to submit progress reports to the Municipal Sanitary Authority of the City of New Kensington on the status of corrective actions to facilitate a return to compliance with the discharge permit. The progress reports must be submitted to the Municipal Sanitary Authority of the City of New Kensington by no later than the milestone event deadlines.
  7. This order does not constitute a waiver of the wastewater discharge permit, which remains in full force and effect. The Municipal Sanitary Authority of the City of New Kensington reserves the right to seek any and

all remedies available to it under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution for any violation cited by this order.

8. Failure to comply with this order shall also constitute a further violation of the Pretreatment Resolution and may result in termination of sewer service.
9. This order entered 12/16/19 shall be effective upon receipt by Keystone Rustproofing, Inc.

Signed:   
Manager  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

KEYSTONE RUSTPROOFING  
1901 DR. THOMAS BLVD.  
ARNOLD, PA 15068  
PHONE: 724-339-7588

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December 4, 2019

***VIA EMAIL AND FIRST CLASS MAIL***

Mr. Daniel H. Rowe, Jr., Manager  
Municipal Sanitary Authority of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

Re: Response to 10/30/19 NOV

Dear Mr. Rowe:

Keystone Rustproofing makes the following response to the NOV dated October 30, 2019 and received by Keystone on November 4, 2019.

1. Alleged Violations Based On Sampling Daily Discharge

At paragraph 7, MSANK attaches a seven page table of alleged daily violations from February 6 2019 through August 12, 2019. Keystone first objects to these alleged violations because before the daily sampling commenced, MSANK told Keystone the daily results would not be used for enforcement or determination of compliance but would be used only to provide data to identify areas where the Keystone treatment plant is deficient.

The discharge permit makes clear that the determination of compliance with permit limits are the monthly samples collected by MSANK and Keystone on an alternating monthly basis. Any NOV for this time period should be based only on the monthly sampling by Keystone or MSANK as is specified in the 2019 Permit. We attach the results of the Keystone Bimonthly Compliance samples as Exhibits A, B and C for the months of October, August and June 2019. Please note Exhibit A for October, B for August, and C for June, show compliance with all permit limits for metals. Cyanide is in compliance for June, August and October according to the bimonthly reports.

Since Keystone is in compliance for October, August and June, we think MSANK is misapplying the TRC and SNC criteria. The daily sampling results for October and November 2019 also show significant improvement. We have not received MSANK's bimonthly reports for the period covered by this NOV, can you provide copies to us?

2. Alleged Violations Where Daily Maximum Permit Limit Is Lower Than The Monthly Average Limit



Keystone continues to object to MSANK's practice of setting "Daily Maximum" Limits for a chemical that are less than the "Monthly Average Limits" for that chemical. A Daily Maximum Limit cannot legally or rationally be set at less than a monthly average limit, and MSANK's Permit Limits for Cadmium, Copper, Nickel, and Cyanide are illegal and irrational. Setting a daily maximum limit at a small fraction of the monthly average limit means there is no reason to have a monthly average limit, and the source will always be in violation of the monthly average limit. This is also double or triple counting of violations, as prohibited by Pennsylvania Law. 35 P.S. § 752.

The following table lists the daily maximum and monthly average limits in Keystone's 2019 permit:

**MSANK Daily Maximum Limit Compared to MSANK Monthly Average Limit**

Chemical	MSANK Monthly Average	MSANK Daily Max	Maximum Percent of Monthly Average
Cd	0.36	0.11	30
Cu	1.89	0.69	36
Ni	1.99	0.22	11
Cn	0.53	0.12	22

Units are mg/l

We have marked up the table of violations attached to the October 30, 2019 NOV to remove the alleged violations based on a daily maximum limit that is a fraction of the monthly average limit. This list is Attachment A to this letter. The number of alleged daily exceedances decreases from 279 to 100 when the irrational maximum limits set below monthly average limits are removed from this list.

We also object to MSANK setting local limits that are a fraction of EPA's technology based ELGs, as discussed in prior letters.

### 3. Remaining Alleged Violations

The remaining alleged violations are mostly for zinc, total metals (resulting from high zinc) and account for about 82% of the Attachment A list, and seven chromium, four cadmium and two cyanide daily exceedances in a period of seven months or about 200 days. The corrective action for these exceedances is described below.

The other violations described include high and low pH at the sampling point. Keystone's efforts to solve the high and low pH issues at the final discharge have been documented in the

Rule to Show Cause proceeding and will not be repeated here. MSANK has also imposed a fine for the low pH violations in its Order of November 22, 2019, so these violations will not be discussed further here.

#### 4. Keystone's Efforts To Improve Treatment

Keystone has retained a team of four experienced outside water treatment engineers and a consulting chemist to study all parts of the existing treatment system and improve wastewater treatment performance.

##### a. Additional Studies

Following the February and March pH problems and the abandonment of the UF system, Keystone took additional samples on a 24 hour basis to examine conditions at the Cyanide, Chromium and Alkaline Addition Treatment Systems and had them analyzed under supervision of our consulting chemist. Keystone also began taking daily dissolved metals samples along with the daily samples taken by ESL under MSANK contract in late June 2019 to provide more information on the treatment process.

Keystone purchased three additional recording pH meters in October 2019 and began using them at various points of the treatment system to have additional data to correlate with total and dissolved metal results, and took flow measurements at various parts of the system with rented equipment in August 2019, which were used to design flow equalization measures.

##### b. New Final Effluent Filter

Keystone considered the results of these studies before ordering a new final filter from AWS Technologies in August, 2019. This system has two redundant filter lines, each with two filter elements, a five micron pre filter and one micron final filter. The filter can be replaced when loaded, or pore size changed to a different size while the other filter line remains in operation. The system is designed to automatically switch to the fresh filter line when filters become loaded. A number of automation features are not yet operational and we are working with the vendor while operating the filter manually. Based on the studies done earlier in 2019, the new filter system is expected to reduce or eliminate zinc and total metals exceedances. We have one day of lab results with the new filter system that began operation on November 18, 2019. The results for that day are in compliance.

##### c. Chrome and Cyanide Treatment Systems

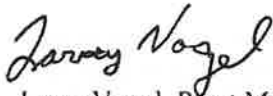
Keystone's experts recommended changes to the Cyanide and Chrome treatment systems to improve performance. For the Chrome system, we switched to a sulfide chemistry on June 19, 2019 and changed flow rates, eliminating an acid water stream. For Cyanide, the ORP was increased and holding time in the Cyanide sump increased to allow more time for chemical reaction.

d. Hydraulic and Waste Loading Equalization Project

Keystone's experts also recommended a number of process and equipment changes between the A&A Sump and the Clarifier Exit which we are calling the "Hydraulic and Waste Loading Equalization Project." The objectives are flow equalization, faster reacting pH adjustment, better pH control to the range of 9.5 to 10.5, better alignment of treatment chemical dosing with flow, increased chemical residence time, better flocculation and better solids removal. This project requires new plumbing, sensors and chemical controls, and rerouting of water flow to various tanks and recirculating pumps used as mixers in the larger tanks. This project began in early November and is expected to be operating in December 2019. Keystone is installing these changes as soon as possible and will advise when they are completed.

Please let me know if you would like more information on these treatment process changes.

Very truly yours,

A handwritten signature in cursive script that reads "Larry Vogel".

Larry Vogel, Plant Manager

Attachments A-C

cc: H. Klodowski, Esquire



1803 Philadelphia Street  
Indiana, PA 15701  
P: (724) 463-8378  
F: (724) 465-4209  
PADEP: 32-00382

1276 Bentleyville Road  
Van Voorhis, PA 15366  
P: (724) 258-8378  
F: (724) 258-8378  
PADEP: 63-04247

433 Broad Street  
Montoursville, PA 17754  
P: (570) 321-9002  
F: (570) 321-1857  
PADEP: 41-04880

950 West Main Street  
Sharpsville, PA 18150  
P: (724) 463-8378 x 500  
F: (724) 465-4209  
PADEP: 43-04934

Keystone Rust Proofing  
1901 Dr. Thomas Boulevard  
Arnold, PA 15068

Reported: 11/18/2019 16:13

Lab Sample ID#: 9110654-01  
Sample Type: Waste Water  
Sample Source: Composite  
Sampler: Client  
Client Sample ID: Effluent Composite

Sample Begin Date: 10/30/2019 11:00  
Sample End Date: 10/31/2019 11:00  
Receipt Date: 11/07/2019 17:30

Analyte	Sample Result	Units	Data Qualifier	MDL	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
Total Metals		Analytical Method: EPA200.7 4.4			Prep Method: EPA 200.7 4.4			
Cadmium	0.009	mg/L			0.005	BJL	11/15/19 11:17	11/16/19 16:26
Chromium	0.039	mg/L			0.005	BJL	11/15/19 11:17	11/16/19 16:26
Copper	0.253	mg/L			0.005	BJL	11/15/19 11:17	11/16/19 16:26
Lead	<0.005	mg/L			0.005	BJL	11/15/19 11:17	11/16/19 16:26
Nickel	0.048	mg/L		0.001	0.005	BJL	11/15/19 11:17	11/16/19 16:26
Silver	0.006	mg/L			0.005	BJL	11/15/19 11:17	11/16/19 16:26
Zinc	0.479	mg/L		0.001	0.010	BJL	11/15/19 11:17	11/16/19 16:26





1803 Philadelphia Street  
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PADEP: 32-00382

1276 Bentleyville Road  
Van Vorhis, PA 15386  
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F: (724) 258-8378  
PADEP: 83-04247

435 Broad Street  
Montoursville, PA 17754  
P: (570) 321-8002  
F: (570) 321-1957  
PADEP: 41-04880

950 West Main Street  
Sharpsville, PA 16150  
P: (724) 483-8378 x 500  
F: (724) 485-4208  
PADEP: 43-04834

Keystone Rust Proofing  
1901 Dr. Thomas Boulevard  
Arnold, PA 15068

Reported: 09/12/2019 17:48

Lab Sample ID#: 9090431-01  
Sample Type: Waste Water  
Sample Source: Composite  
Sampler: Client  
Client Sample ID: Effluent Composite

Sample Begin Date: 08/29/2019 11:00  
Sample End Date: 08/30/2019 11:00  
Receipt Date: 09/05/2019 14:53

Analyte	Sample Result	Units	Data Qualifier	MDL	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
Total Metals		Analytical Method: EPA200.7 4.4			Prep Method: EPA 200.7 4.4			
Cadmium	<0.005	mg/L			0.005	BJL	09/10/19 12:25	09/10/19 17:20
Chromium	0.126	mg/L			0.005	BJL	09/10/19 12:25	09/10/19 17:20
Copper	0.210	mg/L			0.005	BJL	09/10/19 12:25	09/10/19 17:20
Lead	<0.005	mg/L			0.005	BJL	09/10/19 12:25	09/10/19 17:20
Nickel	0.065	mg/L		0.001	0.005	BJL	09/10/19 12:25	09/10/19 17:20
Silver	<0.005	mg/L			0.005	BJL	09/10/19 12:25	09/10/19 17:20
Zinc	0.571	mg/L		0.001	0.010	BJL	09/10/19 12:25	09/10/19 17:20





1803 Philadelphia Street  
Indiana, PA 15701  
P: (724) 483-8378  
F: (724) 485-4209  
PADEP: 32-00382

1276 Berdewville Road  
Van Voorhis, PA 15368  
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F: (724) 258-8378  
PADEP: 63-04247

435 Broad Street  
Montoursville, PA 17754  
P: (570) 321-9002  
F: (570) 321-1857  
PADEP: 41-04880

950 West Main Street  
Sharpsville, PA 16150  
P: (724) 483-8378 x 500  
F: (724) 485-4209  
PADEP: 43-04834

Keystone Rust Proofing  
1901 Dr. Thomas Boulevard  
Arnold, PA 15068

Reported: 07/10/2019 13:04

Lab Sample ID#: 9070483-01  
Sample Type: Waste Water  
Sample Source: Composite  
Sampler: Client  
Client Sample ID: Effluent Composite

Sample Begin Date: 06/27/2019 11:00  
Sample End Date: 06/28/2019 11:00  
Receipt Date: 07/03/2019 20:55

Analyte	Sample Result	Units	Data Qualifier	MDL	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
<b>Total Metals</b>		<b>Analytical Method: EPA200.7 4.4</b>			<b>Prep Method: EPA 200.7 4.4</b>			
Cadmium	<0.005	mg/L			0.005	BJL	07/05/19 10:47	07/05/19 17:31
Chromium	0.235	mg/L			0.005	BJL	07/05/19 10:47	07/05/19 17:31
Copper	0.138	mg/L			0.005	BJL	07/05/19 10:47	07/05/19 17:31
Lead	<0.005	mg/L			0.005	BJL	07/05/19 10:47	07/05/19 17:31
Nickel	0.026	mg/L		0.001	0.005	BJL	07/05/19 10:47	07/05/19 17:31
Silver	<0.005	mg/L			0.005	BJL	07/05/19 10:47	07/05/19 17:31
Zinc	0.511	mg/L		0.001	0.010	BJL	07/05/19 10:47	07/05/19 17:31



## ATTACHMENT A

MSANK 10/30/19 NOV Table 7 corrected for Daily Maximum less than Monthly Average  
"Exceedances."

<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u> <u>(mg/l)</u>	<u>Daily Maximum</u> <u>Permit Limit (mg/l)</u>	<u>TRC/SNC Limit</u> <u>(mg/l)</u>
2/6/19	Zinc	12.7	1.99	2.388
2/6/19	Chromium	5.770	5.58	6.696
2/6/19	Total Metals	19.477	10.5	12.600
2/15/19	Zinc	2.320	1.99	2.388
2/18/19	Zinc	5.67	1.99	2.388
2/19/19	Zinc	9.25	1.99	2.388
2/19/19	Total Metals	13.77	10.5	12.600
2/20/19	Zinc	10.9	1.99	2.388
2/20/19	Total Metals	17.09	10.5	12.600
2/28/19	Zinc	3.880	1.99	2.388
2/28/19	Zinc	4.04	1.99	2.388
3/1/19	Zinc	6.180	1.99	2.388
3/5/19	Zinc	3.44	1.99	2.388
3/6/19	Zinc	5.060	1.99	2.388
3/7/19	Zinc	17.7	1.99	2.388
3/7/19	Total Metals	22.490	10.5	12.600
3/8/19	Zinc	5.14	1.99	2.388
3/12/19	Zinc	10.3	1.99	2.388
3/12/19	Total Metals	11.918	10.5	12.600
3/13/19	Zinc	2.1	1.99	2.388
3/14/19	Zinc	4.14	1.99	2.388
3/15/19	Zinc	2.72	1.99	2.388
3/18/19	Zinc	3.68	1.99	2.388
3/19/19	Zinc	9.880	1.99	2.388
3/19/19	Total Metals	11.482	10.5	12.600
3/20/19	Zinc	2.470	1.99	2.388
3/21/19	Zinc	2.64	1.99	2.388
3/22/19	Zinc	6.19	1.99	2.388
3/26/19	Zinc	3.52	1.99	2.388
3/27/19	Zinc	6.97	1.99	2.388
3/29/10	Chromium	7.9	5.58	6.696
4/2/19	Zinc	2.590	1.99	2.388
4/3/19	Zinc	9.96	1.99	2.388
4/3/19	Copper	0.691	0.69	0.828
4/3/19	Total Metals	11.37	10.5	12.600
4/4/19	Zinc	5.94	1.99	2.388
4/9/19	Zinc	21	1.99	2.388

4/9/19	Total Metals	23.12	10.5	12.600
4/10/19	Zinc	6.65	1.99	2.388
4/11/19	Zinc	7.480	1.99	2.388
4/12/19	Zinc	3.42	1.99	2.388
4/16/19	Zinc	2.01	1.99	2.388
4/17/19	Zinc	3.86	1.99	2.388
4/18/19	Zinc	2.67	1.99	2.388
4/23/19	Zinc	11.6	1.99	2.388
4/23/19	Total Metals	15.588	10.5	12.600
4/24/19	Zinc	4.77	1.99	2.388
4/25/19	Zinc	5.11	1.99	2.388
4/29/19	Copper	1.19	0.69	0.828
4/30/19	Zinc	3.6	1.99	2.388
4/30/19	Cadmium	2.86	0.11	0.132
4/30/19	Total Metals	11.151	10.5	12.600
4/30/19	Zinc	5.820	0.22	0.264
5/1/19	Zinc	24.6	1.99	2.388
5/1/19	Cadmium	14.2	0.11	0.132
5/1/19	Total Metals	40.24	10.5	12.600
5/2/19	Zinc	9.16	0.99	2.388
5/2/19	Cadmium	2.98	0.11	0.132
5/2/19	Total Metals	15.964	10.5	12.600
5/3/19	Zinc	2.51	1.99	2.388
5/7/19	Zinc	2.430	1.99	2.388
5/8/19	Zinc	5.050	1.99	2.388
5/8/19	Cadmium	0.135	0.11	0.132
5/9/19	Zinc	2.27	1.99	2.388
5/10/19	Zinc	3.6	1.99	2.388
5/10/19	Copper	0.762	0.69	0.828
5/15/19	Zinc	8.34	0.99	2.388
5/15/19	Total Metals	14.47	10.5	12.600
5/16/19	Zinc	4.17	1.99	2.388
5/21/19	Zinc	19.4	1.99	2.388
5/21/19	Total Metals	21.768	10.5	12.600
5/22/19	Zinc	2.080	1.99	2.388
5/23/19	Zinc	10.600	1.99	2.388
5/23/19	Chromium	8.91	5.58	6.696
5/23/19	Total Metals	20.414	10.5	12.600
5/24/19	Zinc	2.52	1.99	2.388
5/24/19	Total Cyanide	0.13	0.12	0.144
5/31/19	Zinc	2.96	1.99	2.388
6/6/19	Zinc	2.62	1.99	2.388
6/14/19	Zinc	6.71	1.99	2.388
6/17/19	Zinc	3.3	1.99	2.388
6/20/19	Zinc	4.44	1.99	2.388



6/27/19	Chromium	6.05	5.58	6.696
6/28/19	Zinc	2.69	1.99	2.388
7/2/19	Zinc	2.610	1.99	2.388
7/3/19	Chromium	18.3	5.58	6.696
7/3/19	Total Metals	20.192	10.5	12.600
7/9/19	Zinc	8.21	1.99	2.388
7/10/19	Total Cyanide	0.73	0.12	0.144
7/11/19	Chromium	6.56	5.58	6.696
7/11/19	Total Metals	12.178	0.12	0.144
7/16/19	Zinc	2.870	1.99	2.388
7/19/19	Zinc	4.38	1.99	2.388
7/24/19	Zinc	2.740	1.99	2.388
7/31/19	Chromium	6.12	5.58	6.696
8/1/19	Zinc	3.32	1.99	2.388
8/6/19	Zinc	7.62	1.99	2.388
8/8/19	Zinc	4.46	1.99	2.388
8/9/19	Zinc	4.09	1.99	2.388
8/12/19	Zinc	3.48	1.99	2.388

# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

IN THE MATTER OF

KEYSTONE RUSTPROOFING, INC.

1901 Dr. Thomas Blvd.

Arnold, PA 15068

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NOTICE OF VIOLATION  
ISSUANCE DATE:

February 13, 2020

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Keystone Rustproofing was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000040.
4. The discharge permit issued to Keystone Rustproofing contained numerical limits on the concentrations of pollutants, which Keystone Rustproofing could discharge and self-monitoring requirements.
5. Keystone Rustproofing contracted with Environmental Service Laboratories to conduct wastewater sampling from August 19, 2019 through December 27, 2019 at the discharge of the Keystone Rustproofing pretreatment system.

6. Keystone Rustproofing also conducted self-monitoring events during August, October and December at the discharge of the Keystone Rustproofing pretreatment system, as required by their pretreatment permit.
7. Analytical results of these sampling events indicated exceedences of the permit limits as follows. Red face type indicates a Technical Review Criteria (TRC) violation. A TRC violation is defined in 40 CFR 403.8 as those in which 33% or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirements, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC; TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other parameters except pH. SNC refers to significant noncompliance.

<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u> <u>(mg/l)</u>	<u>Daily Maximum</u> <u>Permit Limit (mg/l)</u>	<u>TRC/SNC Limit</u> <u>(mg/l)</u>
8/20/19	Zinc	2.06	1.99	2.388
8/22/19	Nickel	0.38	0.22	0.264
8/22/19	Zinc	7.04	1.99	2.388
8/23/19	Nickel	0.733	0.22	0.264
8/23/19	Zinc	2.29	1.99	2.388
8/26/19	Nickel	0.477	0.22	0.264
8/26/19	Zinc	5.35	1.992	2.388
8/27/19	Copper	11.2	0.69	0.828
8/27/19	Nickel	1.93	0.22	0.264
8/27/19	Total Cyanide	11.7	0.12	0.144
8/27/19	Total Metals	14.899	10.5	12.600
8/28/19	Copper	3.6	0.69	0.828
8/28/19	Nickel	0.318	0.22	0.264
9/5/19	Copper	0.931	0.69	0.828
9/5/19	Nickel	0.277	0.22	0.264
9/5/19	Total Cyanide	1.8	0.12	0.144
9/10/19	Copper	0.752	0.69	0.828
9/10/19	Total Cyanide	0.16	0.12	0.144
9/12/19	Copper	1.21	0.69	0.828
9/12/19	Nickel	0.311	0.22	0.264
9/13/19	Copper	0.897	0.69	0.828
9/13/19	Nickel	0.672	0.22	0.264
9/13/19	Zinc	2.12	1.99	2.388
9/13/19	Total Cyanide	1.1	0.12	0.144
9/17/19	pH	11.71	6.0-11.5 s.u.	-
9/17/19	Nickel	1.0	0.22	0.264
9/17/19	Zinc	6.79	1.99	2.388
9/17/19	Total Metals	11.86	10.5	12.600
9/18/19	Zinc	2.44	1.99	2.388
9/18/19	Total Cyanide	0.26	0.12	0.144
9/19/19	Nickel	0.365	0.22	0.264
9/19/19	Zinc	4.37	1.99	2.388
9/20/19	Nickel	0.454	0.22	0.264
9/20/19	Zinc	6.42	1.99	2.388
9/23/19	Nickel	0.315	0.22	0.264
9/23/19	Zinc	29.5	1.99	2.388
9/23/19	Total Metals	33.488	10.5	12.600
9/24/19	Copper	2.13	0.69	0.828
9/24/19	Nickel	0.981	0.22	0.264
9/24/19	Total Cyanide	1.1	0.12	0.144
9/25/19	Chromium	7.47	5.58	6.696
9/25/19	Copper	0.891	0.69	0.828
9/25/19	Nickel	0.423	0.22	0.264

<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u> <u>(mg/l)</u>	<u>Daily Maximum</u> <u>Permit Limit (mg/l)</u>	<u>TRC/SNC Limit</u> <u>(mg/l)</u>
9/27/19	Nickel	0.346	0.22	0.264
9/30/19	pH	11.58	6.0-11.5 s.u.	-
9/30/19	Nickel	1.55	0.22	0.264
9/30/19	Zinc	8.2	1.99	2.388
10/1/19	Copper	0.805	0.69	0.828
10/1/19	Nickel	0.349	0.22	0.264
10/1/19	Zinc	6.92	1.99	2.388
10/2/19	Nickel	0.247	0.22	0.264
10/2/19	Zinc	5.33	1.99	2.388
10/3/19	Nickel	0.35	0.22	0.264
10/3/19	Zinc	20.0	1.99	2.388
10/3/19	Total Metals	21.869	10.5	12.600
10/4/19	Nickel	0.428	0.22	0.264
10/4/19	Zinc	15.0	1.99	2.388
10/4/19	Total Metals	16.258	10.5	12.600
10/10/19	Chromium	25.3	5.58	6.696
10/10/19	Total Metals	26.127	10.5	12.600
10/25/19	Nickel	0.433	0.22	0.264
10/28/19	Nickel	0.24	0.22	0.264
10/31/19	Nickel	0.25	0.22	0.264
11/1/19	Chromium	7.81	5.58	6.696
11/1/19	Cyanide	0.2	0.12	0.144
11/4/19	Copper	3.73	0.69	0.828
11/4/19	Nickel	0.405	0.22	0.264
11/4/19	Zinc	4.08	1.99	2.388
11/7/19	Nickel	0.565	0.22	0.264
11/7/19	Zinc	5.23	1.99	2.388
11/12/19	Nickel	1.03	0.22	0.264
11/12/19	Zinc	6.69	1.99	2.388
11/14/19	Nickel	1.15	0.22	0.264
11/14/19	Zinc	11.4	1.99	2.388
11/14/19	Total Metals	12.638	10.5	12.600
11/15/19	Copper	0.81	0.69	0.828
11/15/19	Nickel	0.395	0.22	0.264
11/15/19	Zinc	2.66	1.99	2.388
11/15/19	Cyanide	0.35	0.12	0.144
11/18/19	Nickel	1.52	0.22	0.264
11/18/19	Zinc	22.7	1.99	2.388
11/18/19	Total Metals	24.754	10.5	12.600
11/20/19	Nickel	0.533	0.22	0.264
11/20/19	Total Cyanide	0.24	0.12	0.144
11/25/19	Total Cyanide	0.20	0.12	0.144
11/26/19	Copper	0.989	0.69	0.828
11/26/19	Nickel	0.542	0.22	0.264
11/26/19	Total Cyanide	1.5	0.12	0.144
11/27/19	Copper	0.931	0.69	0.828
12/3/19	Nickel	0.239	0.22	0.264
12/3/19	Zinc	3.16	1.99	2.388
12/4/19	Chromium	5.75	5.58	6.696
12/6/19	Copper	0.872	0.69	0.828
12/6/19	Nickel	0.231	0.22	0.264
12/6/19	Total Cyanide	0.36	0.12	0.144
12/9/19	Nickel	0.269	0.22	0.264

<u>Date</u>	<u>Pollutant</u>	<u>Analytical Results</u> <u>(mg/l)</u>	<u>Daily Maximum</u> <u>Permit Limit (mg/l)</u>	<u>TRC/SNC Limit</u> <u>(mg/l)</u>
12/13/19	Nickel	0.276	0.22	0.264
12/16/19	Nickel	0.298	0.22	0.264
12/16/19	Cyanide	0.16	0.12	0.144
12/17/19	Nickel	0.383	0.22	0.264
12/18/19	Nickel	0.308	0.22	0.264
12/18/19	Cyanide	0.26	0.12	0.144
12/19/19	Nickel	0.521	0.22	0.264
12/19/19	Zinc	12.8	1.99	2.388
12/19/19	Total Cyanide	0.19	0.12	0.144
12/19/19	Total Metals	13.783	10.5	12.600
12/20/19	Nickel	0.885	0.22	0.264
12/20/19	Zinc	21.3	1.99	2.388
12/20/19	Total Cyanide	1.2	0.12	0.144
12/20/19	Total Metals	22.588	10.5	12.600
12/26/19	Nickel	0.466	0.22	0.264
12/26/19	Zinc	5.64	1.99	2.388
12/27/19	Nickel	0.353	0.22	0.264
12/27/19	Total Cyanide	0.455	0.12	0.144

<u>Date</u>	<u>Pollutant</u>	<u>Monthly Average</u> <u>Analytical Results</u> <u>(mg/l)</u>	<u>Monthly Average</u> <u>Permit Limit</u> <u>(mg/l)</u>	<u>Monthly Average</u> <u>SNC/TRC Limit</u> <u>(mg/l)</u>
8/1/19 thru 8/30/19	Zinc	2.3616	1.69	2.028
8/1/19 thru 8/30/19	Total Cyanide	0.6241	0.53	0.63
9/1/19 thru 9/30/19	Zinc	3.5659	1.69	2.028
9/1/19 thru 9/30/19	Total Metals	5.5883	5.0	6.000
10/1/19 thru 10/31/19	Zinc	2.6732	1.69	2.028
11/1/19 thru 11/30/19	Zinc	3.6157	1.69	2.028
11/1/19 thru 11/30/19	Total Metals	5.2109	5.0	6.000
12/1/19 thru 12/31/19	Zinc	3.0669	1.69	2.028

## NOTICE OF VIOLATION

### NOTICE

**THEREFORE, BASED ON THE ABOVE FINDINGS KEYSTONE RUSTPROOFING, INC. IS HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within thirty (30) days following receipt of this Notice of Violation, Keystone Rustproofing, Inc. shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, Keystone Rustproofing, Inc. shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed:



Daniel H. Rowe  
Pretreatment Coordinator/Manager  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

7018 2290 0001 7454 7489

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For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®	
NEW KENSINGTON, PA 15068	
Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fees as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.20
Total Postage and Fees	\$7.60
Sent to: Keystone Rustproofing, Inc.	
Attn: Paul Gunsallus	
1901 Dr. Thomas Boulevard	
Arnold, PA. 15068	
PS Form 3800, April 2015 PSN 7530-02-000-9001 See reverse for instructions	

0280

NEW KENSINGTON, PA 15068-0966

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02/13/2020

Unifirst Corporation



# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

### IN THE MATTER OF

Unifirst Corporation  
1150 Second Avenue  
New Kensington, PA 15068

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### NOTICE OF VIOLATION ISSUANCE DATE:

May 13, 2019

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Unifirst Corporation was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000070.
4. The discharge permit issued to Unifirst Corporation contained numerical limits on the concentrations of pollutants, which Unifirst could discharge and self-monitoring requirements.
5. Unifirst Corporation conducted a wastewater sample event from March 5-26, 2019, which indicated:

<u>Date</u>	<u>Parameter</u>	<u>Analysis</u>	<u>Fine Limit</u>
3/14/19	CBOD	753.00 mg/l	729.0 mg/l
3/26/19	CBOD	909.00 mg/l	729.0 mg/l

In addition, your pH chart recordings indicated prohibitive pH results below 5.0 s.u. on March 12, 14 and 15<sup>th</sup>.

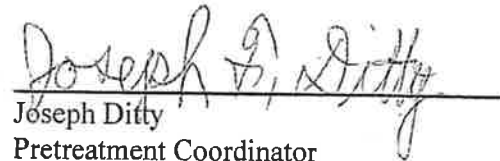
**NOTICE OF VIOLATION**

**NOTICE**

**THEREFORE, BASED ON THE ABOVE FINDINGS UNIFIRST CORPORATION IS HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, Unifirst Corporation shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, Unifirst Corporation shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed: \_\_\_\_\_

  
Joseph Ditty

Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

### IN THE MATTER OF

Unifirst Corporation  
1150 Second Avenue  
New Kensington, PA 15068

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### NOTICE OF VIOLATION ISSUANCE DATE:

September 10, 2019

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Unifirst Corporation was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000070.
4. The discharge permit issued to Unifirst Corporation contained numerical limits on the concentrations of pollutants, which Unifirst could discharge and self-monitoring requirements.
5. Unifirst Corporation conducted a wastewater sample event on July 1-2, 2019, which indicated:

<u>Parameter</u>	<u>Analysis</u>	<u>Fine Limit</u>
Nickel	0.236 mg/l	0.220 mg/l

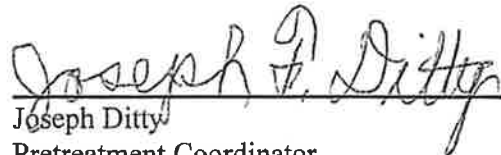
NOTICE OF VIOLATION

NOTICE

**THEREFORE, BASED ON THE ABOVE FINDINGS UNIFIRST CORPORATION IS  
HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, Unifirst Corporation shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, Unifirst Corporation shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed:

  
Joseph Ditty

Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

IN THE MATTER OF

Unifirst Corporation  
1150 Second Avenue  
New Kensington, PA 15068

\* NOTICE OF VIOLATION  
\* ISSUANCE DATE:  
\*  
\* NOVEMBER 25, 2019  
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## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Unifirst Corporation was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000070.
4. The discharge permit issued to Unifirst Corporation contained numerical limits on the concentrations of pollutants, which Unifirst could discharge and self-monitoring requirements.
5. Unifirst Corporation conducted wastewater sample events from September 4-24, 2019, which Self-Monitoring Report was due on October 28, 2019. This report was received on November 14, 2019 (14 days late).

PAGE 2

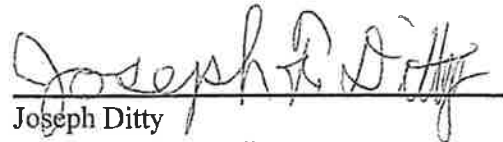
**NOTICE OF VIOLATION**

**NOTICE**

**THEREFORE, BASED ON THE ABOVE FINDINGS UNIFIRST CORPORATION IS  
HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, Unifirst Corporation shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, Unifirst Corporation shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed:

  
Joseph Ditty

Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

120 Logans Ferry Road, New Kensington, PA. 15068-2046  
Phone (724) 335-9813 - Fax (724) 335-8289

## NOTICE OF VIOLATION

### IN THE MATTER OF

Unifirst Corporation  
1150 Second Avenue  
New Kensington, PA 15068

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\*  
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### NOTICE OF VIOLATION ISSUANCE DATE:

December 20, 2019

## LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Municipal Sanitary Authority of the City of New Kensington, under Section 5 of the Municipal Sanitary Authority of the City of New Kensington's Industrial Pretreatment Resolution of April 5, 1994 (Pretreatment Resolution) governing users of the Authority's Publicly Owned Treatment Works. This notice is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 4 of the Municipal Sanitary Authority of the City of New Kensington's Pretreatment Resolution.

## FINDINGS

1. The Municipal Sanitary Authority of the City of New Kensington is charged with construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the Municipal Sanitary Authority of the City of New Kensington administers a pretreatment program.
3. Under this pretreatment program Unifirst Corporation was issued a discharge permit, Pretreatment Discharge Permit No. SMJ-000070.
4. The discharge permit issued to Unifirst Corporation contained numerical limits on the concentrations of pollutants, which Unifirst could discharge and self-monitoring requirements.
5. Unifirst Corporation conducted a wastewater sample event on October 1-2, 2019, which indicated:

Parameter	Analysis	Fine Limit
Nickel	0.229 mg/l	0.220 mg/l

The October Self-Monitoring Report was also received on December 6, 2019, which was six (6) business days late.


**NOTICE OF VIOLATION**

**NOTICE**

**THEREFORE, BASED ON THE ABOVE FINDINGS UNIFIRST CORPORATION IS  
HEREBY NOTIFIED THAT:**

1. It is in violation of its discharge permit and the Pretreatment Resolution of the Municipal Sanitary Authority of the City of New Kensington.
2. Within Thirty (30) days following receipt of this Notice of Violation, Unifirst Corporation shall submit an explanation of the causes of the violations and a description of the steps taken to correct the violations and ensure that the violations do not recur to the Municipal Sanitary Authority of the City of New Kensington. Where the violations cannot be corrected within the thirty (30) day period, Unifirst Corporation shall indicate the reason for this delay in the description provided. Failure to submit an explanation to the Municipal Sanitary Authority of the City of New Kensington within thirty days following receipt of this Notice of Violation may result in further enforcement action by the Municipal Sanitary Authority of the City of New Kensington.

Signed:

  
Joseph Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority of the  
City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068

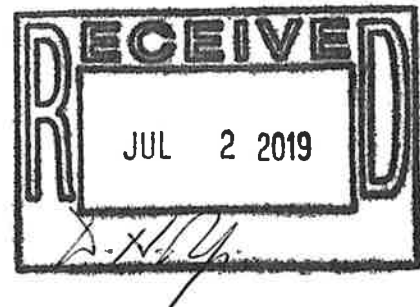




**UniFirst Corporation**  
1150 Second Ave  
New Kensington, PA 15068  
724.339.1077

July 1, 2019

Joseph Ditty  
Pretreatment Coordinator  
Municipal Sanitary Authority  
of the City of New Kensington  
120 Logans Ferry Road  
New Kensington, PA 15068-2046



RE: Notice of Violation – June , 2019<sup>1</sup>  
Pretreatment Permit No. SMJ-000070 Exp. 12.31.19

Dear Mr. Ditty,

This letter is in response to an NOV in which two of our CBOD results were found to be over the permitted limit. The NOV also stated that wastewater chart recorder readings were indicating pH values under our permitted limit.

Upon investigation to determine the cause for the elevated CBOD, a faulty level transducer was discovered in a pit that holds wastewater for treatment. This pit was found to be overflowing (under floor plates, out of sight) into the cleaner water pit and then pumped to the final tank of our treatment system (water that does not get treated). When the dirty water overflowed into the cleaner water pit, it contaminated that water. We have replaced the faulty transducer and the pit pumps are working as intended. Laboratory results show compliance with our wastewater discharge limits since that time.

Regarding the pH chart recorder showing low pH on March 12, 14 and 15: At the times the chart showed low pH, the plant was not discharging wastewater. When the low pH was noticed, a sodium hydroxide pump was set up to dose into the final tank in case additional wastewater flow did not raise the pH enough to be within permitted limits. When

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<sup>1</sup> Original NOV was received May 29, 2019. On May 31, 2019, you advised to hold off on the response for a revised letter. On June 5, 2019, we received the instruction to send a response to the NOV we received May 29, 2019, dated May 13, 2019.

wastewater started filling the tank, the pH value raised naturally – as the pH of wastewater from the washfloor is normally above 10 SU.

We continue to conduct frequent documented systems checks on our wastewater system, make adjustments as necessary and look for opportunities for improvement. Do not hesitate to contact me regarding this or any other Unifirst matter. I may be reached at the plant at 724.339.1077 Monday through Friday.

Best regards,

A handwritten signature in black ink, appearing to read "Steve Potoka", with a stylized flourish at the end.

Stephen Potoka

UniFirst Plant Manager

# THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON

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120 Logans Ferry Road, New Kensington, PA. 15068-2046

Phone (724) 335-9813 - Fax (724) 335-8289

**Priority Mail**

Mr. Stephen Potoka  
Plant Manager  
Unifirst Corporation  
1150 Second Avenue  
New Kensington, PA 15068

July 16 2019

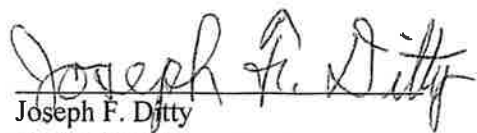
Re: Penalty Notification  
Pretreatment Permit No. SMJ-000070

Dear Mr. Potoka,

The Municipal Sanitary Authority of the City of New Kensington issued a Penalty Notification letter to Unifirst dated November 20, 2018. To date, MSANK has not received payment of the penalty. A copy of the Penalty Notification letter is enclosed for reference. Additionally, an invoice in the amount of five thousand dollars (\$5,000) is enclosed for your use in payment of the penalty. Please remit payment within thirty days of receipt.

Sincerely,

The Municipal Sanitary Authority  
of the City of New Kensington

  
Joseph F. Ditty  
Pretreatment Coordinator

Enclosures: Penalty Notification letter, Invoice  
cc: Mott MacDonald, Solicitor, File

## Attachment 6 – SIU Self-Monitoring Report Review Summary

AVH -OCC EFFLUENT

		MUNICIPAL SANITARY AUTHORITY The City of New Kensington, Pa.			
		AVH - OCC	(DOCK)	2019	EFFLUENT

Parameter	EPA Limit	First Qtr. 2019 3/11-12/2019	Second Qtr. 2019 6/17-18/2019	MSANK 8/13-14/2019	Third Qtr. 2019 9/17-18/2019	MSANK 11/20-21/2019	Fourth Qtr. 2019 12/16-17/2019
pH	6.0-11.5 su	7.0 - 7.8 su	9.0-9.4 su	7.0-8.6 su	8.0-8.5 su	7.66 su	7.8-9.7 su
CBOD	729 mg/l	82.1 mg/l	7.8 mg/l	11.3 mg/l	<20.0 mg/l	41.4 mg/l	63.8 mg/l
TSS	771 mg/l	156.0 mg/l	8.0 mg/l	19.0 mg/l	390.0 mg/l	21 mg/l	19 mg/l
Oil & Grs.	500 mg/l	7.4 mg/l	8.1 mg/l	4.8 mg/l	<6.0 mg/l	<4.8 mg/l	<5.15 mg/l
Arsenic	0.110 mg/l	<0.0025 mg/l	<0.010 mg/l	0.0037 mg/l	<0.0025 mg/l	<0.001 mg/l	<0.01 mg/l
Cadmium	0.110 mg/l	0.001 mg/l	0.0006 mg/l	<0.0010 mg/l	<0.0010 mg/l	<0.001 mg/l	0.0006 mg/l
Chromium	12.2 mg/l	0.007 mg/l	0.010 mg/l	0.0130 mg/l	<0.0200 mg/l	<0.007 mg/l	0.006 mg/l
Copper	0.69 mg/l	0.235 mg/l	0.143 mg/l	0.0836 mg/l	0.174 mg/l	0.468 mg/l	0.151 mg/l
Cyanide	0.12 mg/l	0.040 mg/l	--	0.0260 mg/l	<0.0100 mg/l	<0.010 mg/l	<0.01 mg/l
Lead	0.17 mg/l	0.0042 mg/l	<0.007 mg/l	0.0023 mg/l	0.0073 mg/l	0.072 mg/l	<0.007 mg/l
Mercury	0.016 mg/l	0.00046 mg/l	<0.0002 mg/l	0.00025 mg/l	0.00027 mg/l	--	<0.0002 mg/l
Nickel	0.22 mg/l	0.014 mg/l	<0.007 mg/l	0.0045 mg/l	<0.0400 mg/l	0.0158 mg/l	0.009 mg/l
Phenol	1.0 mg/l	0.0217 mg/l	--	<0.050 mg/l	0.0139 mg/l	0.14 mg/l	<0.0056 mg/l
Silver	0.56 mg/l	0.106 mg/l	0.077 mg/l	0.0125 mg/l	0.0387 mg/l	0.0728 mg/l	0.039 mg/l
Zinc	1.99 mg/l	0.476 mg/l	0.262 mg/l	0.196 mg/l	0.611 mg/l	0.537 mg/l	0.286 mg/l
Hex Chrm.	2.30 mg/l	<1.50 mg/l	<0.1875 mg/l	<0.010 mg/l	<0.010 mg/l	<0.01 mg/l	<0.15 mg/l
Formaldehyde	Monitor Only	<0.050 mg/l	--	--	<0.050 mg/l	--	0.0605 mg/l
Temperature	150.0 deg. F	49.7 Deg. F	73.9 Deg. F	73.8 Deg. F	77.7 Deg. F	57.2 Deg. F	67.5 Deg. F

LEGEND:	< non-detect	- low to high	-- no test	Out Of Limits	TRC
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AVH -OCC EFFLUENT

		MUNICIPAL SANITARY AUTHORITY The City of New Kensington, Pa.			
		AVH - OCC	(PKG. LOT)	2019	EFFLUENT

Parameter	EPA Limit	First Qtr. 2019 3/11-12/2019	Second Qtr. 2019 6/17-18/2019	MSANK 8/13-14/2019	Third Qtr. 2019 9/17-18/2019	MSANK 11/20-21/2019	Fourth Qtr. 2019 12/16-17/2019
pH	6.0-11.5 su	8.7-8.8 su	7.3-7.6 su	6.2-7.6 su	7.6-9.1 su	No discharge	7.6-8.6 su
CBOD	729 mg/l	338.0 mg/l	9.8 mg/l	15.0 mg/l	18.5 mg/l	No discharge	94.6 mg/l
TSS	771 mg/l	593.0 mg/l	7.5 mg/l	40.0 mg/l	22.5 mg/l	No discharge	66 mg/l
Oil & Grs.	500 mg/l	12.7 mg/l	<5.9 mg/l	<4.8 mg/l	11.3 mg/l	No discharge	<8.8 mg/l
Arsenic	0.110 mg/l	<0.0025 mg/l	<0.010 mg/l	<0.010 mg/l	<0.00025 mg/l	No discharge	<0.01 mg/l
Cadmium	0.110 mg/l	0.001 mg/l	<0.006 mg/l	<0.001 mg/l	<0.001 mg/l	No discharge	0.0007 mg/l
Chromium	12.2 mg/l	0.005 mg/l	<0.002 mg/l	<0.007 mg/l	<0.020 mg/l	No discharge	0.005 mg/l
Copper	0.69 mg/l	0.845 mg/l	0.083 mg/l	0.177 mg/l	0.077 mg/l	No discharge	0.26 mg/l
Cyanide	0.12 mg/l	<0.010 mg/l	--	0.020 mg/l	<0.010 mg/l	No discharge	<0.0 mg/l
Lead	0.17 mg/l	0.010 mg/l	<0.007 mg/l	0.0055 mg/l	0.0015 mg/l	No discharge	0.008 mg/l
Mercury	0.016 mg/l	0.00021 mg/l	<0.0002 mg/l	<0.0002 mg/l	<0.0002 mg/l	No discharge	<0.0002 mg/l
Nickel	0.22 mg/l	0.0170 mg/l	0.040 mg/l	0.0190 mg/l	<0.040 mg/l	No discharge	0.02 mg/l
Phenol	1.0 mg/l	0.0612 mg/l	--	<0.050 mg/l	0.0078 mg/l	No discharge	0.0144 mg/l
Silver	0.56 mg/l	0.470 mg/l	0.007 mg/l	0.0351 mg/l	0.0121 mg/l	No discharge	0.085 mg/l
Zinc	1.99 mg/l	0.544 mg/l	0.324 mg/l	0.2390 mg/l	0.193 mg/l	No discharge	0.279 mg/l
Hex Chrm.	2.30 mg/l	<0.150 mg/l	<0.1875 mg/l	<0.0100 mg/l	<0.0100 mg/l	No discharge	<0.3 mg/l
Formaldehyde	Monitor Only	<0.050 mg/l	--	--	<0.050 mg/l	No discharge	<0.05 mg/l
Temperature	150.0 deg. F	46.4 Deg. F	73.0 Deg. F	80.5 Deg. F	78.4 Deg. F	No discharge	57.98 Deg. F

LEGEND:	< non-detect	- low to high	-- no test	Out Of Limits	TRC
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Keystone Rustproofing Daily Sample Results

Note: Data shown in red indicates a violation of the permit limit

Note: Non-detectable measurements are shown as one-half the dection limit.

On days when Keystone conducted a sample event the results were averaged with the Env. Services Lab data and one violation per parameter per day was assessed.

								TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)	
								0.13		6.69		0.82		0.26		2.38		0.144		12.6					
						Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.	
Date	CSO	pH	Limits (SU)	Temp.	Limit	Cadmium	Limit	Chromium	Limit	Copper	Limit	Lead	Limit	Nickel	Limit	Silver	Limit	Zinc	Limit	Cyanide	Limit	T. Metals	Limit		
						60		0.11		5.58		0.69		0.17		0.22		0.56		1.99		0.12		10.5	
Weds.	02/06/19	Yes	6.74	6.6		0.006		5.77		0.266		0.027		0.741	TRC	0.031		12.7	TRC	0.049		19.477	TRC		
Thurs.	02/07/19	Yes	6.86	22.3		0.0025		2.91		2.73	TRC	0.0025		2.79	TRC	0.132		1.5		7.4	TRC	9.93			
Friday	02/08/19	Yes	7.1	19.4		0.0025		0.17		1.95	TRC	0.0025		0.487	TRC	0.096		0.952		1.7	TRC	3.559			
Monday	02/11/19	Yes	9.94	18.7		0.0025		0.431		0.304		0.0025		0.167		0.014		0.87		0.57	TRC	1.772			
Tuesday	02/12/19	Yes	6.97	20.8		0.0025		0.062		0.652		0.0025		0.615	TRC	0.179		0.3		1.6	TRC	1.629			
Weds.	02/13/19	Yes	6.92	13.4		0.0025		0.156		0.839	TRC	0.005		0.531	TRC	0.156		1.13		0.8	TRC	2.656			
Thurs.	02/14/19		2.39	21.8		0.0025		0.066		0.65		0.0025		0.324	TRC	0.11		0.652		0.9	TRC	1.692			
Friday	02/15/19		5.81	22.2		0.0025		0.338		2.75	TRC	0.01		3.95	TRC	0.159		2.32		8.4	TRC	9.358			
Monday	02/18/19	Yes	10.32	11.4		0.0025		0.537		1.46	TRC	0.009		2.39	TRC	0.087		5.67	TRC	0.022		10.057			
Tuesday	02/19/19	Yes	0.92	17.5		0.0025		1.32		1.11	TRC	0.043		2.09	TRC	0.05		9.25	TRC	1.1	TRC	13.77	TRC		
Weds.	02/20/19	Yes	10.09	23.2		0.005		1.94		1.42	TRC	0.043		2.83	TRC	0.104		10.9	TRC	2.5	TRC	17.09	TRC		
Thurs.	02/21/19		10.42	24.6		0.0025		4.33		0.677		0.0025		0.83	TRC	0.149		1.09		1.9	TRC	6.927			
Friday	02/22/19	Yes	11.09	19.7		0.0025		0.261		0.926	TRC	0.0025		0.775	TRC	0.078		1.67		1.1	TRC	3.632			
Monday	02/25/19		2.32	18.7		0.0025		0.029		0.301		0.0025		0.144		0.013		0.18		0.25	TRC	0.654			
Tuesday	02/26/19		6.77	8		0.0025		2.51		0.383		0.0025		0.41	TRC	0.047		0.72		0.51	TRC	4.023			
Weds.	02/27/19		9.87	19.9		0.0025		3.09		0.24		0.0025		0.432	TRC	0.025		3.12	TRC	0.15	TRC	6.882			
Average	02/28/19			20.3		0.0025		0.7055		0.3185		0.007		0.494	TRC	0.0305		3.96	TRC	0.2	TRC	5.478			
Thurs.	02/28/19		11.87	20.3		0.0025		0.794		0.391		0.007		0.575	TRC	0.039		3.88	TRC	0.23	TRC	5.64			
Keystone	02/28/19		10.0			0.0		0.6		0.2		0.0		0.4	TRC	0.0		4.0	TRC	0.17	TRC	5.316			
Friday	03/01/19		10.99	25		0.0025		0.325		0.69		0.011		0.357	TRC	0.023		6.18	TRC	0.72	TRC	7.552			
Monday	03/04/19		2.32	6.5		0.0025		0.071		0.352		0.0025		0.38	TRC	0.017		1.11		0.005		1.913			
Tuesday	03/05/19		9.52	16.8		0.0025		2.48		0.439		0.0025		0.555	TRC	0.037		3.44	TRC	0.6	TRC	6.914			
Weds.	03/06/19		10.25	25		0.0025		0.911		0.609		0.012		0.564	TRC	0.03		5.06	TRC	0.69	TRC	7.144			
Thurs.	03/07/19		9.97	20.6		0.007		1.41		1.87	TRC	0.024		1.51	TRC	0.028		17.7	TRC	0.14		22.49	TRC		
Friday	03/08/19		9.45	20.7		0.0025		2.99		0.295		0.006		0.319	TRC	0.012		5.14	TRC	0.038		8.744			
Monday	03/11/19		10.45	11		0.0025		0.417		0.591		0.0025		0.077		0.069		0.805		0.029		1.89			
Tuesday	03/12/19		10.33	23.2		0.0025		0.515		0.269		0.014		0.834	TRC	0.0025		10.3	TRC	0.075		11.918			
Weds.	03/13/19		10.0	23.1		0.0025		1.28		0.793		0.008		0.561	TRC	0.0		2.1		0.8	TRC	4.7			
Thurs.	03/14/19		9.94	21.8		0.0025		0.204		1.13	TRC	0.007		0.277	TRC	0.072		4.14	TRC	0.6	TRC	5.751			
Friday	03/15/19		10.55	21		0.0025		0.124		0.52		0.006		0.146		0.013		2.72	TRC	0.026		3.51			
Monday	03/18/19		10.25	22.4		0.0025		0.216		0.651		0.0025		0.14		0.027		3.68	TRC	0.12		4.687			
Tuesday	03/19/19		10.07	22.7		0.006		0.448		0.545		0.033		0.609	TRC	0.005		9.88	TRC	0.35	TRC	11.482			
Weds.	03/20/19		10.88	21.7		0.0025		1.97		0.774		0.008		0.215		0.052		2.47	TRC	0.084		5.429			
Thurs.	03/21/19		10.67	23.3		0.0025		0.433		0.749		0.0025		0.16		0.302		2.64	TRC	0.094		3.982			
Friday	03/22/19		10.6	23.9		0.0025		1.82		0.667		0.013		0.326	TRC	0.071		6.19	TRC	0.055		9.003			
Monday	03/25/19		10.44	23.4		0.0025		0.091		0.524		0.0025		0.618	TRC	0.086		0.726		0.042		1.959			
Tuesday	03/26/19		10.61	24.5		0.0025		0.065		0.137		0.0025		0.27	TRC	0.011		3.52	TRC	0.052		3.992			
Weds.	03/27/19		10.25	22.8		0.0025		0.205		0.959	TRC	0.018		1.05	TRC	0.044		6.97	TRC	0.066		9.184			
Thurs.	03/28/19		10.11	20.4		0.0025		0.068		0.137		0.0025		0.164		0.022		1.28		0.055		1.649			
Friday	03/29/19		10.41	23.9		0.0025		7.9	TRC	0.11		0.0025		0.066		0.027		0.725		0.026		8.801			
Monday	04/01/19		4.47	19.6		0.0025		0.351		0.227		0.0025		0.038		0.028		0.575		0.005		1.191			
Tuesday	04/02/19		2.50	20.50		0.0025		0.67		0.23		0.01		0.08		0.03		2.59	TRC	0.01		3.56			
Weds.	04/03/19		9.31	19.3		0.006		0.368		0.691		0.036		0.351	TRC	0.081		9.96	TRC	0.0162		11.37			
Thurs.	04/04/19		10.69	21.1		0.0025		0.125		0.138		0.008		0.047		0.014		5.94	TRC	0.005		6.25			
Friday	04/05/19		11.2	20.6		0.0025		0.0025		0.0025		0.0025		0.0025		0.019		0.005		0.005		0.0125			

						TRC (mg/L) 0.13 Daily Max.		TRC (mg/L) 6.69 Daily Max.		TRC (mg/L) 0.82 Daily Max.				TRC (mg/L) 0.26 Daily Max.				TRC (mg/L) 2.38 Daily Max.		TRC (mg/L) 0.144 Daily Max.		TRC (mg/L) 12.6 Daily Max.	
Date	CSO EVENT?	pH	Limits (SU) 6.0 11.5	Temp. Limit deg.Celcius 60	Cadmium Limit mg/l 0.11	Chromium Limit mg/l 5.58	Copper Limit mg/l 0.69	Lead Limit mg/l 0.17	Nickel Limit mg/l 0.22	Silver Limit mg/l 0.56	Zinc Limit mg/l 1.99	Cyanide Limit mg/l 0.12	T. Metals Limit mg/l 10.5										
Monday 04/08/19		10.58		25.2	0.0025	0.068	0.139	0.0025	0.04	0.016	0.594	0.019	0.841										
Tuesday 04/09/19		12.2		25.3	0.0025	1.29	0.549	0.014	0.281 TRC	0.032	21 TRC	0.0155	23.12 TRC										
Weds. 04/10/19		9.98		21.7	0.025	0.764	0.093	0.0025	0.193	0.0025	6.65 TRC	0.0309	7.7										
Thurs. 04/11/19		11.99		16.1	0.0025	0.341	0.136	0.0025	0.133	0.0025	7.48 TRC	0.0218	8.09										
Friday 04/12/19		11.65		26.4	0.0025	0.077	0.132	0.0025	0.278 TRC	0.006	3.42 TRC	0.0133	3.907										
Monday 04/15/19	Yes	4.06		21.7	0.0025	0.014	0.021	0.0025	0.021	0.0025	0.119	0.005	0.175										
Tuesday 04/16/19	Yes	9.91		25.6	0.0025	0.058	0.13	0.0025	0.105	0.018	2.01	0.005	2.303										
Weds. 04/17/19	Yes	10.16		23.2	0.0025	0.219	0.127	0.0025	0.19	0.023	3.86 TRC	0.005	4.396										
Thurs. 04/18/19	Yes	9.82		23.5	0.0025	0.468	0.116	0.0025	0.142	0.032	2.67 TRC	0.005	3.396										
Monday 04/22/19		9.53		24	0.0025	0.129	0.148	0.0025	0.075	0.0025	1.31	0.0177	1.662										
Tuesday 04/23/19		9.65		23.3	0.0025	3.21	0.348	0.0025	0.43 TRC	0.162	11.6 TRC	0.0267	15.588 TRC										
Weds. 04/24/19		8.99		22.5	0.0025	0.362	0.151	0.0025	0.276 TRC	0.124	4.77 TRC	0.0441	5.559										
Thurs. 04/25/19		10.66		26.9	0.0025	0.147	0.102	0.0025	0.273 TRC	0.031	5.11 TRC	0.005	5.632										
Friday 04/26/19	Yes	9.52		26.9	0.0025	2.78	0.137	0.0025	0.106	0.053	1.17	0.681 TRC	4.193										
Monday 04/29/19		11.05		19.9	0.03	0.209	1.19 TRC	0.0025	0.658 TRC	0.181	0.907	0.436 TRC	2.964										
Average 04/30/19				25.2	1.4425 TRC	0.2075	3.895 TRC	0.0025	1.43 TRC	0.2145	4.71 TRC	0.265 TRC	10.2425										
Tuesday 04/30/19		9.82		25.2	0.025	0.144	4.54 TRC	0.0025	1.05 TRC	0.308	3.6 TRC	0.2 TRC	9.334										
Keystone 04/30/19		9.7			2.86 TRC	0.271	3.25 TRC	0.0025	1.81 TRC	0.121	5.82 TRC	0.33 TRC	11.151										
Weds. 05/01/19		10.77		23.2	14.2 TRC	3.7	8.63 TRC	0.032	3.31 TRC	0.315	24.6 TRC	0.47 TRC	40.24 TRC										
Thurs. 05/02/19		11.76		26.4	2.98 TRC	0.364	3.98 TRC	0.007	2.46 TRC	0.157	9.16 TRC	0.111	15.964 TRC										
Friday 05/03/19		10.26		20.9	0.099	1.22	2.03 TRC	0.0025	0.699 TRC	0.137	2.51 TRC	0.417 TRC	6.459										
Monday 05/06/19		8.43		24	0.011	0.116	0.401	0.0025	0.045	0.056	0.246	0.0898	0.808										
Tuesday 05/07/19		9.81		28	0.035	0.121	0.654	0.0025	0.302 TRC	0.22	2.43 TRC	0.01	3.507										
Weds. 05/08/19		9.81		27.2	0.135 TRC	0.102	0.622	0.0025	0.382 TRC	0.135	5.05 TRC	0.457 TRC	6.156										
Thurs. 05/09/19	Yes	9.34		29.9	0.023	0.042	0.217	0.0025	0.098	0.05	2.27	0.073	2.627										
Friday 05/10/19	Yes	9.73		30	0.042	0.078	0.762	0.0025	0.193	0.034	3.6 TRC	0.0507	4.633										
Monday 05/13/19		11.19		23.2	0.01	0.033	0.554	0.0025	0.062	0.049	0.845	0.396 TRC	1.494										
Tuesday 05/14/19		9.98		26.7	0.005	0.195	0.498	0.0025	0.062	0.028	1.21	0.0485	1.965										
Weds. 05/15/19		9.95		22	0.017	2.97	1.23 TRC	0.02	1.93 TRC	0.083	8.34 TRC	0.2 TRC	14.47 TRC										
Thurs. 05/16/19		8.76		25.7	0.008	0.268	0.208	0.0025	0.102	0.01	4.17 TRC	0.016	4.748										
Friday 05/17/19		10.32		35	0.006	0.517	0.074	0.0025	0.034	0.016	0.717	0.036	1.342										
Monday 05/20/19		9.82		24.2	0.0025	0.085	0.129	0.0025	0.034	0.05	0.642	0.026	0.89										
Tuesday 05/21/19		6.67		27.3	0.035	0.098	1.42 TRC	0.06	0.85 TRC	0.051	19.4 TRC	0.03	21.768 TRC										
Weds. 05/22/19		10.06		17.7	0.008	0.109	0.339	0.011	0.09	0.052	2.08	0.068	2.618										
Thurs. 05/23/19		10.17		27.6	0.014	8.91 TRC	0.63	0.008	0.274 TRC	0.093	10.6 TRC	1.4 TRC	20.414 TRC										
Friday 05/24/19		10.8		25.7	0.005	0.232	0.512	0.018	0.219	0.073	2.52 TRC	0.13	3.483										
Tuesday 05/28/19	Yes	10.95		21.2	0.0025	0.116	0.062	0.0025	0.027	0.033	0.652	0.08	0.857										
Weds. 05/29/19	Yes	9.97		28.1	0.0025	0.534	0.065	0.006	0.033	0.018	0.481	0.042	1.113										
Thurs. 05/30/19	Yes	10.44		26.7	0.005	0.168	0.175	0.007	0.09	0.056	0.952	0.058	1.385										
Friday 05/31/19		9.95		29.1	0.0025	0.196	0.952 TRC	0.009	0.161	0.182	2.96 TRC	0.049	4.269										
Monday 06/03/19		10.43		25.7	0.0025	0.044	0.109	0.0025	0.021	0.01	0.192	1.3 TRC	0.366										
Tuesday 06/04/19		9.85		26.9	0.0025	0.102	1.25 TRC	0.0025	0.211	0.179	1.82	0.066	3.383										
Weds. 06/05/19		9.71		27.2	0.0025	0.54	1.05 TRC	0.005	0.16	0.131	1.15	0.74 TRC	2.9										
Thurs. 06/06/19		10.3		26.6	0.009	0.268	0.927 TRC	0.012	0.147	0.156	2.62 TRC	0.38 TRC	3.962										
Friday 06/07/19		9.68		26.2	0.0025	0.053	1.1 TRC	0.0025	0.161	0.192	0.98	0.005	2.294										
Monday 06/10/19	Yes	9.85		26.7	0.0025	0.156	2.29 TRC	0.0025	0.316 TRC	0.201	0.537	3.8 TRC	3.299										
Tuesday 06/11/19		10.41		28.7	0.0025	0.104	1.03 TRC	0.0025	0.187	0.145	0.607	0.067	1.928										
Weds. 06/12/19		9.9		25.8	0.0025	0.088	0.211	0.0025	0.062	0.043	1.13	0.17 TRC	1.491										
Thurs. 06/13/19		9.42		25.7	0.0025	0.222	0.324	0.0025	0.078	0.079	1.05	0.43 TRC	1.674										
Friday 06/14/19		9.0		25.1	0.0025	0.5	1.25 TRC	0.0	0.276 TRC	0.1	6.71 TRC	1.8 TRC	8.7										
Monday 06/17/19	Yes	10.43		26.3	0.006	0.662	2.08 TRC	0.006	0.303 TRC	0.257	3.3 TRC	2.9 TRC	6.345										



						TRC (mg/L) 0.13 Daily Max.		TRC (mg/L) 6.69 Daily Max.		TRC (mg/L) 0.82 Daily Max.				TRC (mg/L) 0.26 Daily Max.				TRC (mg/L) 2.38 Daily Max.		TRC (mg/L) 0.144 Daily Max.		TRC (mg/L) 12.6 Daily Max.	
Date	CSO EVENT?	pH	Limits (SU) 6.0 11.5	Temp. Limit deg.Celcius 60	Cadmium Limit mg/l 0.11	Chromium Limit mg/l 5.58	Copper Limit mg/l 0.69	Lead Limit mg/l 0.17	Nickel Limit mg/l 0.22	Silver Limit mg/l 0.56	Zinc Limit mg/l 1.99	Cyanide Limit mg/l 0.12	T. Metals Limit mg/l 10.5										
Tuesday 06/18/19	Yes	10.02		32.7	0.0025	0.354	1.12 TRC	0.0025	0.22	0.074	0.776	0.46 TRC	2.47										
Weds. 06/19/19		10.4		27.8	0.0025	0.135	0.975 TRC	0.0025	0.117	0.052	1.12	0.34 TRC	2.347										
Thurs. 06/20/19	Yes	10.12		28.1	0.0025	0.248	0.664	0.0025	0.2	0.009	4.44 TRC	0.44 TRC	5.552										
Friday 06/21/19	Yes	9.65		26.3	0.0025	0.165	0.669	0.0025	0.194	0.0025	1.58	0.99 TRC	2.608										
Monday 06/24/19		10.72		27	0.0025	0.208	0.844 TRC	0.0025	0.056	0.0025	0.076	0.005	1.184										
Tuesday 06/25/19		9.83		30.3	0.0025	0.986	1.69 TRC	0.0025	0.325 TRC	0.127	0.346	0.93 TRC	3.347										
Weds. 06/26/19		10.28		27.8	0.0025	0.218	0.414	0.0025	0.125	0.006	0.483	0.018	1.24										
Thurs. 06/27/19		10.02		29.3	0.0025	6.05	0.654	0.0025	0.081	0.0025	0.333	0.48 TRC	7.118										
Average 06/28/19				22.8	0.0025	0.3585	0.543	0.0025	0.1075	0.00575	1.6005	0.019	2.6095										
Friday 06/28/19		9.16		22.8	0.0025	0.482	0.948 TRC	0.0025	0.189	0.009	2.69 TRC	0.005	4.309										
Keystone 06/28/19		9.7			0.0025	0.235	0.138	0.0025	0.026	0.0025	0.511	0.033	0.910										

Total Violations	13		0		4		4		36		0		49		0		55		46		14
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Total Sample Sets of Data =	107
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Number of TRC Violations January-June 2019	0		0		4		2		31		0		49		0		50		44		11
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Percent TRC Violations		0%		0%		4%		2%		29%		0%		46%		0%		47%		41%		10%
													SNC				SNC		SNC			

Total number of Daily Maximum Violations 221  
SNC Analysis

Nickel Daily Max. 46% over TRC 49 violations  
Zinc Daily Max. 47% over TRC 50 violations  
Cyanide Daily Max. 41% over TRC 44 violations

Total number of Daily Maximum SNC Violations 143

Total number of Daily Maximum non-SNC Violations 78

40 CFR 403.8viii Criteria for Significant Noncompliance (SNC)

(A) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirements including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC;  
(TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other parameters except pH)

Keystone Rustproofing Monthly Sample Results

Note: Data shown in red indicates a violation of the permit limit  
Note: Includes all data points

Note: Data shown in red indicates a violation of the permit limit																				TRC (mg/L)	TRC (mg/L)	TRC (mg/L)	
Note: Includes all data points																				0.432	2.02	0.63	6.0
Date	pH	Limit 6.0-11.5 su	Temp. <u>Celcius</u>	Limit deg.Celcius	Cadmium mg/l	Mon. Avg.	Chromium mg/l	Mon. Avg.	Copper mg/l	Mon. Avg.	Lead mg/l	Mon. Avg.	Nickel mg/l	Mon. Avg.	Silver mg/l	Mon. Avg.	Zinc mg/l	Mon. Avg.	Cyanide mg/l	Mon. Avg.	T. Metals mg/l	Mon. Avg.	
						Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l	Limit mg/l
				60		0.36		2.23		1.89		0.34		1.99		0.31		1.69		0.53		5.0	
February Monthly Avg.	02/28/19	N/A	18.1		0.0028		1.4073		0.9608		0.0098		1.1374		0.0829		3.3858	TRC	1.6306	TRC	6.8913	TRC	
March Monthly Avg.	03/31/19	N/A	21.1		0.0029		1.1401		0.6100		0.0087		0.4380		0.0465		4.6084	TRC	0.2218		6.7966	TRC	
April Monthly Avg.	04/30/19	N/A	22.8		0.1358		0.5483		0.5725		0.0051		0.2991		0.0588		4.5982	TRC	0.0862		6.0181	TRC	
May Monthly Avg.	05/31/19	N/A	25.9		0.8022	TRC	0.8761		1.0975		0.0095		0.5208		0.0863		4.7925	TRC	0.1935		7.2868	TRC	
June Monthly Avg.	06/30/19	N/A	27.2		0.0030		0.5618		0.9416		0.0038		0.1645		0.0864		1.5453		0.7314	TRC	3.2132		

Monthly Average Violations	0	1	0	0	0	0	0	0	0	4	2	4
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Monthly Average Violations:	11
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Total Sample Sets of Data	5
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Percent of TRC Violations	0	20	0	0	0	0	0	0	80%	40%	80%
January-June 2019									SNC	SNC	SNC

SNC Analysis

Zinc monthly average	80% over TRC	4 SNC violations
Cyanide monthly average	40% over TRC	2 SNC violations
Total Metals monthly average	80% over TRC	4 SNC violations

Total number of Monthly Average Violations 11

Total number of Monthly Average SNC Violations 10

40 CFR 403.8viii Criteria for Significant Noncompliance (SNC)  
(A) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l);  
  
(B) Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirements including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC;  
(TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other parameters except pH)

2/14/2020

Keystone Rustproofing Daily Sample Results

Note: Data shown in red indicates a violation of the permit limit

Note: Non-detecable measurements are shown as one-half the dection limit.

On days when Keystone conducted a sample event the results were averaged with the Env. Services Lab data and one violation per parameter per day was assessed.

								TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)	
								0.13		6.69		0.82		0.26		2.38		0.144		12.6					
						Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.	
Date	CSO	pH	Limits (SU)	Temp.	Limit	Cadmium	Chromium	Copper	Lead	Nickel	Silver	Zinc	Cyanide	T. Metals											
EVENT?			6.0	11.5	deg.Celcius	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	
					60																				
						0.11		5.58		0.69		0.17		0.22		0.56		1.99		0.12			10.5		
Monday 07/01/19		10.08		29.0		0.0025	0.48	0.06	0.0025	0.007	0.0025	0.142	0.16	0.689											
Tuesday 07/02/19	Yes	10.38		29		0.0025	0.26	0.216	0.0025	0.049	0.0025	2.61	0.056	3.135											
Weds. 07/03/19		10.17		20.8		0.0025	18.3	0.332	0.0025	0.09	0.0025	1.47	0.027	20.192											
Monday 07/08/19		9.86		31.1		0.0025	0.678	0.482	0.0025	0.031	0.0025	0.139	0.045	1.33											
Tuesday 07/09/19		9.82		33.7		0.0025	1.05	0.722	0.007	0.206	0.006	8.21	0.029	10.188											
Weds. 07/10/19		10.02		30.7		0.0025	0.272	0.47	0.0025	0.109	0.0025	1.81	0.73	2.661											
Thurs. 07/11/19	Yes	10.6		20.7		0.035	6.56	5.61	0.078	0.0025	0.099	0.005	0.16	12.178											
Friday 07/12/19		9.4		31.3		0.0025	5.05	0.642	0.0025	0.164	0.0025	1.55	1.6	7.406											
Monday 07/15/19		6.85		29.8		0.0025	0.24	2.27	0.0025	0.356	0.014	0.453	0.014	3.319											
Tuesday 07/16/19		10.68		31.1		0.0025	0.149	1.25	0.009	0.273	0.0025	2.87	0.15	4.542											
Weds. 07/17/19		10.29		29.5		0.0025	2.5	2.14	0.0025	0.333	0.017	1.6	4.6	6.573											
Thurs. 07/18/19		10.93		31		0.0025	0.181	1.43	0.0025	0.729	0.007	1.13	0.22	3.47											
Friday 07/19/19		11.19		31		0.0025	0.091	0.775	0.01	0.68	0.006	4.38	1.7	5.926											
Monday 07/22/19	Yes	10.91		30.2		0.0025	4.62	1.64	0.0025	0.298	0.007	0.045	0.44	6.603											
Tuesday 07/23/19		10.45		31.7		0.0025	0.126	2.74	0.0025	0.359	0.012	1.6	0.018	4.825											
Weds. 07/24/19		10.86		26.2		0.0025	2.41	2.53	0.0025	0.529	0.02	2.74	2.3	8.209											
Thurs. 07/25/19		8.93		27.8		0.0025	0.162	0.276	0.0025	0.11	0.0025	1.03	0.04	1.578											
Friday 07/26/19		9.83		28.3		0.0025	0.259	0.206	0.0025	0.047	0.0025	1.11	0.015	1.622											
Monday 07/29/19		9.12		30.4		0.0025	0.471	0.197	0.0025	0.045	0.0025	0.868	0.7	1.581											
Tuesday 07/30/19	Yes	9.69		33.9		0.0025	0.112	1.38	0.0025	0.158	0.013	1.58	0.047	3.23											
Weds. 07/31/19		9.62		29.0		0.0025	6.12	1.32	0.0025	0.157	0.011	1.11	2.2	8.707											
Thurs. 08/01/19		9.05		28.7		0.0025	0.858	0.537	0.0025	0.14	0.0025	3.32	0.037	4.855											
Friday 08/02/19		9.12		31.2		0.0025	0.299	0.135	0.0025	0.056	0.014	0.809	0.032	1.299											
Monday 08/05/19		9.75		33.0		0.019	0.3	0.153	0.0025	0.036	0.007	0.471	0.04	0.96											
Tuesday 08/06/19		9.6		33.1		0.0025	0.452	0.415	0.007	0.255	0.0025	7.62	0.01	8.742											
Weds. 08/07/19		9.89		30.1		0.0025	0.385	0.129	0.0025	0.053	0.0025	0.778	0.016	1.345											
Thurs. 08/08/19		9.65		32.4		0.0025	0.765	0.349	0.0025	0.193	0.007	4.46	0.067	5.767											
Friday 08/09/19		9.87		31.2		0.0025	1.23	0.34	0.0025	0.697	0.007	4.09	0.15	6.357											
Monday 08/12/19		7.6		33.1		0.0025	0.171	0.403	0.0025	0.262	0.0025	3.48	0.025	4.316											
Tuesday 08/13/19	Yes	10.81		35.7		0.0025	1.31	0.302	0.0025	0.176	0.0025	0.984	0.005	2.772											
Weds. 08/14/19														0											
Thurs. 08/15/19														0											
Friday 08/16/19														0											
Monday 08/19/19		11.15		28.8		0.0025	0.021	0.114	0.0025	0.026	0.0025	0.367	0.028	0.528											
Tuesday 08/20/19	Yes	9.67		35.9		0.0025	0.05	0.167	0.0025	0.082	0.0025	2.06	0.005	2.359											
Weds. 08/21/19	Yes	8.65		33.1		0.0025	0.282	0.19	0.0025	0.036	0.0025	0.48	0.018	0.988											
Thurs. 08/22/19		7.32		32.5		0.0025	0.128	0.119	0.0025	0.38	0.0025	7.04	0.011	7.667											
Friday 08/23/19		9.84		28.8		0.0025	0.076	0.175	0.0025	0.733	0.0025	2.29	0.017	3.274											
Monday 08/26/19		7.15		26.9		0.005	0.079	0.173	0.0025	0.477	0.0025	5.35	0.062	6.079											
Tuesday 08/27/19		9.41		32.7		0.006	0.429	11.2	0.0025	1.93	0.302	1.34	11.7	14.899											
Weds. 08/28/19	Yes	9.18		26.9		0.009	0.156	3.6	0.0025	0.318	0.313	0.549	0.044	4.623											
Thurs. 08/29/19		9.14		28.7		0.0025	0.494	0.12	0.0025	0.073	0.072	0.65	0.05	1.337											
Friday 08/30/19		8.93		29.6		0.0025	0.207	0.275	0.0025	0.066	0.008	0.522	0.04	1.07											
Keystone 08/30/19		9.6				0.0025	0.126	0.21	0.0025	0.065	0.0025	0.571	0.124	0.972											
Average				29.2		0.0025	0.1665	0.2425	0.0025	0.0655	0.00525	0.5465	0.082	1.021											
Monday 09/02/19	Yes																								



						TRC (mg/L) 0.13		TRC (mg/L) 6.69		TRC (mg/L) 0.82		TRC (mg/L) 0.26				TRC (mg/L) 2.38		TRC (mg/L) 0.144		TRC (mg/L) 12.6				
Date	CSO EVENT?	pH	Limits (SU)		Temp.	Limit deg.Celcius	Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		T. Metals	Limit mg/l		
			6.0	11.5			Cadmium mg/l	Limit mg/l	Chromium mg/l	Limit mg/l	Copper mg/l	Limit mg/l	Lead mg/l	Limit mg/l	Nickel mg/l	Limit mg/l	Silver mg/l	Limit mg/l	Zinc mg/l	Limit mg/l			Cyanide mg/l	Limit mg/l
Tuesday	09/03/19		8.1		22.8		0.0025		0.078		0.323		0.0025		0.056		0.012		0.569		0.02		1.026	
Weds.	09/04/19		10.35		30.3		0.0025		0.118		0.593		0.0025		0.144		0.0025		1.38		0.035		2.235	
Thurs.	09/05/19		9.8		28.8		0.0025		0.546		0.931	TRC	0.0025		0.277	TRC	0.019		0.563		1.8	TRC	2.317	
Friday	09/06/19		8.75		28.3		0.0025		0.491		0.292		0.0025		0.099		0.005		0.594		0.066		1.476	
Monday	09/09/19		8.24		28.3		0.0025		0.114		0.158		0.0025		0.057		0.0025		0.489		0.015		0.818	
Tuesday	09/10/19		7.56		30.5		0.0025		0.401		0.752		0.0025		0.136		0.006		1.05		0.16	TRC	2.339	
Weds.	09/11/19		9.96		28.2		0.0025		1.28		0.307		0.0025		0.065		0.0025		0.482		0.065		2.134	
Thurs.	09/12/19		9.75		30.7		0.0025		0.31		1.21	TRC	0.0025		0.311	TRC	0.015		1.48		0.005		3.311	
Friday	09/13/19		9.99		28.8		0.0025		0.126		0.897	TRC	0.0025		0.672	TRC	0.005		2.12		1.1	TRC	3.815	
Monday	09/16/19		10.73		24.2		0.0025		0.041		0.273		0.0025		0.133		0.0025		1.19		0.065		1.637	
Tuesday	09/17/19		11.71		31.1		0.0025		3.84		0.23		0.0025		1.0	TRC	0.006		6.79	TRC	0.027		11.86	
Weds.	09/18/19		9.61		27.5		0.0025		0.418		0.154		0.0025		0.203		0.0025		2.44	TRC	0.26	TRC	3.215	
Thurs.	09/19/19		9.47		27.3		0.0025		2.0		0.222		0.008		0.365	TRC	0.0025		4.37	TRC	0.024		6.957	
Friday	09/20/19		8.5		26.9		0.0025		0.52		0.272		0.022		0.454	TRC	0.0025		6.42	TRC	0.058		7.666	
Monday	09/23/19		8.39		28.9		0.0025		3.30		0.373		0.0025		0.315	TRC	0.0025		29.5	TRC	0.06		33.488	TRC
Tuesday	09/24/19		9.58		30.5		0.0025		0.417		2.13	TRC	0.0025		0.981	TRC	0.023		0.611		1.1	TRC	4.139	
Weds.	09/25/19		10.05		30.0		0.0025		7.47	TRC	0.891	TRC	0.0025		0.423	TRC	0.017		0.579		0.12		9.363	
Thurs.	09/26/19		10.87		23.6		0.0025		0.311		0.121		0.0025		0.109		0.0025		1.21		0.028		1.751	
Friday	09/27/19		10.28		25.7		0.0025		0.112		0.521		0.0025		0.346	TRC	0.0025		1.3		0.071		2.279	
Monday	09/30/19	Yes	11.58		26.0		0.005		0.088		0.122		0.007		1.550	TRC	0.0025		8.2	TRC	0.052		9.94	
Tuesday	10/01/19		10.02		31.7		0.008		0.068		0.805		0.0025		0.349	TRC	0.006		6.92	TRC	0.005		8.142	
Weds.	10/02/19		9.75		29.4		0.015		0.155		0.302		0.0025		0.247		0.015		5.33	TRC	0.019		6.034	
Thurs.	10/03/19		9.17		29.8		0.008		1.05		0.469		0.023		0.35	TRC	0.034		20.0	TRC	0.054		21.869	TRC
Friday	10/04/19		9.37		32.4		0.006		0.731		0.099		0.0025		0.428	TRC	0.0025		15.0	TRC	0.043		16.258	TRC
Monday	10/07/19	Yes	7.1		26.1		0.0025		0.314		0.028		0.0025		0.038		0.0025		1.13		0.04		1.51	
Tuesday	10/08/19		9.89		26.0		0.0025		0.115		0.257		0.0025		0.151		0.006		1.36		0.017		1.883	
Weds.	10/09/19		9.31		23.9		0.0025		0.891		0.048		0.0025		0.100		0.0025		0.327		0.005		1.366	
Thurs.	10/10/19		8.88		23.8		0.0025		25.3	TRC	0.106		0.0025		0.106		0.006		0.615		0.058		26.127	TRC
Friday	10/11/19		9.07		28.8		0.0025		0.963		0.091		0.0025		0.051		0.0025		0.968		0.022		2.073	
Monday	10/14/19		9.20		27.9		0.0025		0.41		0.096		0.0025		0.052		0.0025		1.37		0.077		1.928	
Tuesday	10/15/19		8.94		27.4		0.061		1.27		0.114		0.0025		0.049		0.0025		1.21		0.024		2.643	
Weds.	10/16/19	Yes	9.57		23.8		0.0025		0.131		0.048		0.0025		0.027		0.0025		0.285		0.018		0.491	
Thurs.	10/17/19		8.01		25.1		0.01		0.384		0.196		0.0025		0.125		0.0025		0.372		0.063		1.077	
Friday	10/18/19		8.85		24.7		0.0025		0.092		0.052		0.0025		0.026		0.0025		0.175		0.022		0.345	
Monday	10/21/19		8.28		22.8		0.0025		0.141		0.035		0.0025		0.029		0.0025		0.274		0.029		0.479	
Tuesday	10/22/19	Yes	8.97		28.7		0.0025		0.109		0.167		0.008		0.174		0.009		0.671		0.024		1.121	
Weds.	10/23/19		8.62		24.0		0.0025		0.089		0.15		0.0025		0.087		0.005		0.966		0.015		1.292	
Thurs.	10/24/19		8.87		23.8		0.0025		0.038		0.178		0.0025		0.213		0.0025		0.976		0.12		1.405	
Friday	10/25/19		7.53		27.8		0.0025		0.201		0.188		0.0025		0.443	TRC	0.0025		1.71		0.016		2.542	
Monday	10/28/19		7.60		24.0		0.0025		0.3		0.118		0.0025		0.24		0.0025		1.99		0.061		2.648	
Tuesday	10/29/19		8.59		28.4		0.0025		0.169		0.217		0.0025		0.133		0.0025		0.914		0.013		1.433	
Weds.	10/30/19	Yes	9.30		25.2		0.0025		0.067		0.161		0.0025		0.108		0.0025		0.424		0.016		0.76	
Thurs.	10/31/19	Yes	8.59		26.6		0.0025		0.051		0.106		0.0025		0.452	TRC	0.0025		0.69		0.005		1.299	
Keystone	10/31/19		9.54				0.009		0.039		0.253		0.0025		0.048		0.006		0.479		0.051		0.819	
Average	Average						0.00575		0.045		0.1795		0.0025		0.25		0.0043		0.5845		0.0280		1.0590	
Friday	11/01/19		10.35		29.2		0.0025		7.81	TRC	0.258		0.0025		0.123		0.0025		0.623		0.20	TRC	8.814	
Monday	11/04/19		10.19		23.2		0.0025		1.37		3.73	TRC	0.013		0.405	TRC	0.097		4.08	TRC	0.005		9.585	
Tuesday	11/05/19		9.04		26.8		0.0025		0.067		0.431		0.0025		0.064		0.005		0.481		0.032		1.043	
Weds.	11/06/19		10.48		22.9		0.0025		0.037		0.282		0.0025		0.060		0.01		0.356		0.096		0.735	
Thurs.	11/07/19		7.63		22.2		0.0025		0.122		0.351		0.											

Date		CSO EVENT?	pH	Limits (SU) 6.0 11.5		Temp. deg.Celcius 60	TRC (mg/L) 0.13		TRC (mg/L) 6.69		TRC (mg/L) 0.82		TRC (mg/L) 0.26		TRC (mg/L) 2.38		TRC (mg/L) 0.144		TRC (mg/L) 12.6					
							Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.					
							Cadmium mg/l	Limit mg/l	Chromium mg/l	Limit mg/l	Copper mg/l	Limit mg/l	Lead mg/l	Limit mg/l	Nickel mg/l	Limit mg/l	Silver mg/l	Limit mg/l	Zinc mg/l	Limit mg/l	Cyanide mg/l	Limit mg/l	T. Metals mg/l	Limit mg/l
						0.11		5.58		0.69		0.17		0.22		0.56		1.99		0.12		10.5		
Weds.	11/13/19		7.71			19.1		0.0025		0.041		0.242		0.0025		0.041		0.005		0.543		0.035		0.867
Thurs.	11/14/19		7.56			18.8		0.0025		0.056		0.032		0.0025		1.15 TRC		0.0025		11.4 TRC		0.014		12.638 TRC
Friday	11/15/19		8.05			26		0.0025		0.097		0.81		0.0025		0.395 TRC		0.008		2.66 TRC		0.35 TRC		3.962
Monday	11/18/19		7.37			5.9		0.010		0.193		0.341		0.0025		1.52 TRC		0.010		22.7 TRC		0.005		24.754 TRC
Tuesday	11/19/19		9.5			28.7		0.0025		0.154		0.088		0.0025		0.087		0.0025		0.249		0.013		0.578
Weds.	11/20/19		7.85			21.0		0.0025		0.233		0.479		0.0025		0.533 TRC		0.012		1.92		0.24 TRC		3.165
Thurs.	11/21/19		9.93			22.1		0.0025		0.135		0.191		0.0025		0.079		0.0025		0.386		0.029		0.791
Friday	11/22/19		8.79			28.0		0.0025		0.047		0.044		0.0025		0.072		0.0025		0.385		0.068		0.548
Monday	11/25/19		7.31			21.6		0.0025		0.134		0.07		0.0025		0.145		0.0025		0.287		0.20 TRC		0.636
Tuesday	11/26/19		7.58			23.3		0.0025		0.161		0.989 TRC		0.0025		0.542 TRC		0.027		1.89		1.5 TRC		3.582
Weds.	11/27/19		8.92			22.8		0.0025		0.047		0.931 TRC		0.0025		0.176		0.016		0.604		0.015		1.758
Thurs.	11/28/19																							
Friday	11/29/19																							
Monday	12/02/19		8.08			18.0		0.0025		0.031		0.132		0.0025		0.160		0.005		1.08		0.012		1.403
Tuesday	12/03/19		11.34			20.8		0.0025		0.397		0.472		0.012		0.239		0.017		3.16 TRC		0.029		4.268
Weds.	12/04/19		7.41			20.7		0.0025		5.75		0.042		0.0025		0.01		0.0025		0.09		0.068		5.892
Thurs.	12/05/19		8.14			19.8		0.0025		0.155		0.175		0.0025		0.085		0.0025		0.797		0.067		1.212
Friday	12/06/19		10.17			22.8		0.0025		0.158		0.872 TRC		0.0025		0.231		0.005		1.09		0.36 TRC		2.351
Monday	12/09/19		8.01			22.9		0.0025		0.11		0.506		0.0025		0.269 TRC		0.0025		1.42		0.049		2.305
Tuesday	12/10/19		8.96			26.8		0.0025		0.07		0.07		0.0025		0.127		0.005		0.73		0.005		0.997
Weds.	12/11/19		9.19			23.4		0.0025		0.02		0.048		0.0025		0.112		0.0025		0.419		0.037		0.599
Thurs.	12/12/19		8.13			21.2		0.0025		0.171		0.088		0.0025		0.144		0.0025		0.682		0.005		1.085
Friday	12/13/19		8.91			19.6		0.0025		0.198		0.073		0.0025		0.276 TRC		0.0025		1.07		0.005		1.617
Monday	12/16/19		7.80			22.0		0.0025		0.135		0.228		0.0025		0.298 TRC		0.0025		0.742		0.16 TRC		1.403
Tuesday	12/17/19		8.35			25.1		0.0025		0.031		0.175		0.0025		0.383 TRC		0.0025		1.10		0.10		1.689
Weds.	12/18/19		7.61			19.9		0.0025		0.117		0.311		0.0025		0.308 TRC		0.0025		0.854		0.26 TRC		1.59
Thurs.	12/19/19		8.69			22.7		0.0025		0.184		0.278		0.0025		0.521 TRC		0.0025		12.8 TRC		0.19 TRC		13.783 TRC
Friday	12/20/19		9.27			19.8		0.0025		0.036		0.367		0.0025		0.885 TRC		0.0025		21.3 TRC		1.2 TRC		22.588 TRC
Monday	12/23/19																							
Tuesday	12/24/19																							
Weds.	12/25/19																							
Thurs.	12/26/19		7.38			20.3		0.0025		0.148		0.119		0.0025		0.466 TRC		0.0025		5.64 TRC				6.373
Keystone	12/27/19		9.6					0.0025		0.048		0.046		0.0025		0.083		0.006		0.54		0.12		0.717
Friday	12/27/19		9.21			22.9		0.0025		0.056		0.388		0.007		0.623 TRC		0.011		1.69		0.79 TRC		2.757
Average								0.0025		0.052		0.217		0.0048		0.353 TRC		0.0085		1.115		0.455 TRC		1.737
Monday	12/30/19																							
Tuesday	12/31/19																							

Total Violations	2		0		0		7		26		0		53		0		35		30		12
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Total Sample Sets of Data = 115

Number of TRC Violations July-December 2019					0		4		21		0		47		0		32		30		10
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Percent TRC Violations		0%		0%		0%		3%		18%		0%		41%		0%		28%		26%		9%
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Date	CSO EVENT?	pH	Limits (SU) 6.0 11.5		Temp. Limit deg.Celcius	TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)		TRC (mg/L)	
						0.13		6.69		0.82		0.26		2.38		0.144		12.6	
						Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.		Daily Max.	
						Cadmium	Chromium	Copper	Lead	Nickel	Silver	Zinc	Cyanide	T. Metals					
					Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l	Limit mg/l
				60		0.11	5.58	0.69	0.17	0.22	0.56	1.99	0.12				10.5		

SNC Analysis

Nickel Daily Max. 41% over TRC 47 SNC violations

Total number of Daily Max. 118 non-SNC violations

Total number of Daily Maximum Violations = 165

40 CFR 403.8viii Criteria for Significant Noncompliance (SNC)

(A) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirements including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC; (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other parameters except pH)

Keystone Rustproofing Monthly Sample Results

Note: Data shown in red indicates a violation of the permit limit

																		TRC (mg/L)	TRC (mg/L)	TRC (mg/L)	TRC (mg/L)	
																		2.02		0.63	6.0	
Date	pH	Limit 6.0-11.5 su	Temp. <u>Celcius</u>	Limit deg.Celcius	Cadmium mg/l	Mon. Avg.	Chromium mg/l	Mon. Avg.	Copper mg/l	Mon. Avg.	Lead mg/l	Mon. Avg.	Nickel mg/l	Mon. Avg.	Silver mg/l	Mon. Avg.	Zinc mg/l	Mon. Avg.	Cyanide mg/l	Mon. Avg.	T. Metals	Mon. Avg.
						Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l		Limit mg/l
				60		0.36		2.23		1.89		0.34		1.99		0.31		1.69		0.53		5.0
July Monthly Avg.	07/31/19	N/A	29.3		0.0040		2.3853		1.2709		0.0070		0.2254		0.0113		1.7358		0.7262	TRC		5.6173
August Monthly Avg.	08/30/19	N/A	0.0		0.0040		0.4680		0.9553		0.0027		0.3027		0.0380		2.3616	TRC	0.6241			4.0105
September Monthly Avg.	09/30/19	N/A	0.0		0.0026		1.0991		0.5386		0.0040		0.3848		0.0068		3.5659	TRC	0.2566			5.5883
October Monthly Avg.	10/31/19	N/A	26.6		0.0066		1.3783		0.1785		0.0036		0.1678		0.0053		2.6732	TRC	0.0340			4.3977
November Monthly Avg.	11/30/19	N/A	23.0		0.0031		0.6266		0.5569		0.0031		0.4116		0.0136		3.6157	TRC	0.1581			5.2109
December Monthly Avg.	12/31/19	N/A	21.7		0.0025		0.4342		0.2439		0.0033		0.2900		0.0044		3.0669	TRC	0.2034			4.0349

Monthly Average Violations	0	0	1	0	0	0	0	0	6	2	3
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Monthly Average Violations:	12
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Total Sample Sets of Data	6
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Percent of TRC Violations July-December 2019	0	0	17	0	0	0	0	0	83%	16%	0%
	SNC										

SNC Analysis

Zinc monthly average 83% over TRC 5 SNC violations

Total number of Monthly Average 7 non-SNC violations

Total number of Monthly Average Violations = 12 total violations

40 CFR 403.8viii Criteria for Significant Noncompliance (SNC)

(A) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pertreatment standard or requirements including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC;

(TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other parameters except pH)

SCHREIBER EFFLUENT

MUNICIPAL SANITARY AUTHORITY The City of New Kensington, Pa.		SCHREIBER 2019 NO. 9 EFFLUENT				
Parameter	1st Qtr. 2019 3/14-15/19	2nd Qtr. 2019 5/30-31/19	MSANK 8/13-14/19	3rd Qtr. 2019 8/14-15/19	MSANK 11/12-13/19	4th Qtr. 2019 12/1-31/19
pH	6.0-11.5 su	6.6 su	6.8-6.9 su	6.4 su	6.84 su	6.4 su
CBOD	729 mg/l	8.40 mg/l	<3.60 mg/l	3.10 mg/l	5.4 mg/l	3.8 mg/l
TSS	771 mg/l	4.0 mg/l	4.0 mg/l	4.0 mg/l	5 mg/l	4 mg/l
Oil & Grs.	500 mg/l	4.8 mg/l	<4.8 mg/l	4.8 mg/l	103 mg/l	4.8 mg/l
Arsenic	0.110 mg/l	0.005 mg/l	<0.001 mg/l	0.005 mg/l	<0.001 mg/l	0.005 mg/l
Cadmium	0.110 mg/l	0.003 mg/l	<0.001 mg/l	0.0121 mg/l	<0.001 mg/l	0.003 mg/l
Chromium	12.20 mg/l	0.005 mg/l	<0.007 mg/l	0.005 mg/l	<0.001 mg/l	0.005 mg/l
Copper	0.690 mg/l	0.0091 mg/l	0.0048 mg/l	0.0052 mg/l	0.0075 mg/l	0.008 mg/l
Cyanide	0.120 mg/l	0.010 mg/l	<0.0385 mg/l	0.010 mg/l	<0.010 mg/l	0.01 mg/l
Lead	0.170 mg/l	0.005 mg/l	0.0014 mg/l	0.005 mg/l	0.0389 mg/l	0.005 mg/l
Mercury	0.016 mg/l	0.0002 mg/l	<0.0002 mg/l	0.0002 mg/l	<0.0002 mg/l	0.0002 mg/l
Nickel	0.220 mg/l	0.010 mg/l	0.0062 mg/l	0.010 mg/l	0.0048 mg/l	0.01 mg/l
Phenol	1.0 mg/l	0.005 mg/l	<0.050 mg/l	0.050 mg/l	0.077 mg/l	0.05 mg/l
Silver	0.56 mg/l	0.006 mg/l	<0.001 mg/l	0.006 mg/l	<0.001 mg/l	0.006 mg/l
Zinc	1.99 mg/l	0.021 mg/l	0.250 mg/l	0.234 mg/l	0.178 mg/l	0.258 mg/l
Hex Chrm.	2.30 mg/l	<0.010 mg/l	<0.010 mg/l	<0.010 mg/l	<0.01 mg/l	<0.01 mg/l
Temperature	150.0 Deg. F	49.0 Deg. F	78.4 Deg. F	75.6 Deg. F	52.7 Deg. F	58.4 Deg. F

LEGEND:	< non-detect	-- no test	Out Of Limits	TRC
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SCHREIBER EFFLUENT

		MUNICIPAL SANITARY AUTHORITY The City of New Kensington, Pa.					
		SCHREIBER	2019	NO. 242	EFFLUENT		
		1st Qtr. 2019	2nd Qtr. 2019	MSANK	3rd Qtr. 2019	MSANK	4th Qtr. 2019
Parameter	EPA Limit	3/14-15/19	5/30-31/19	8/13-14/19	8/14-15/19	11/12-13/19	12/1-31/2019
pH	6.0-11.5 su	7.4 su	6.6 su	6.1-6.3 su	6.8 su	7.96 s.u.	6.6 s.u.
CBOD	729 mg/l	95.4 mg/l	54.3 mg/l	212.0 mg/l	279.0 mg/l	214 mg/l	94.8 mg/l
TSS	771 mg/l	21.0 mg/l	4.0 mg/l	66.0 mg/l	84.0 mg/l	34 mg/l	33.0 mg/l
Oil & Grs.	500 mg/l	4.8 mg/l	4.8 mg/l	375.0 mg/l	76.0 mg/l	81.5 mg/l	4.8 mg/l
Arsenic	0.110 mg/l	0.005 mg/l	0.005 mg/l	<0.010 mg/l	0.005 mg/l	<0.001 mg/l	0.005 mg/l
Cadmium	0.110 mg/l	0.003 mg/l	0.003 mg/l	<0.010 mg/l	0.0368 mg/l	<0.001 mg/l	0.003 mg/l
Chromium	12.20 mg/l	0.005 mg/l	0.005 mg/l	<0.007 mg/l	0.005 mg/l	<0.007 mg/l	0.005 mg/l
Copper	0.690 mg/l	0.005 mg/l	0.005 mg/l	0.0029 mg/l	0.0082 mg/l	0.053 mg/l	0.097 mg/l
Cyanide	0.120 mg/l	0.010 mg/l	0.010 mg/l	<0.010 mg/l	0.010 mg/l	0.012 mg/l	0.01 mg/l
Lead	0.170 mg/l	0.005 mg/l	0.005 mg/l	0.0011 mg/l	0.005 mg/l	<0.001 mg/l	0.0252 mg/l
Mercury	0.016 mg/l	0.0002 mg/l	0.0002 mg/l	<0.0002 mg/l	0.0002 mg/l	0.0002 mg/l	0.0002 mg/l
Nickel	0.220 mg/l	0.010 mg/l	0.010 mg/l	0.0043 mg/l	0.010 mg/l	0.012 mg/l	0.01 mg/l
Phenol	1.0 mg/l	0.079 mg/l	0.050 mg/l	0.0371 mg/l	0.096 mg/l	0.074 mg/l	0.24 mg/l
Silver	0.56 mg/l	0.006 mg/l	0.006 mg/l	<0.0010 mg/l	0.006 mg/l	<0.001 mg/l	0.006 mg/l
Zinc	1.99 mg/l	0.137 mg/l	0.0885 mg/l	0.0527 mg/l	0.0529 mg/l	0.255 mg/l	0.136 mg/l
Hex Chrm.	2.30 mg/l	<0.010 mg/l	<0.010 mg/l	<0.0001 mg/l	<0.010 mg/l	<0.1 mg/l	<0.1 mg/l
Temperature	150.0 Deg. F	50.1 Deg. F	67.0 Deg. F	78.2 Deg. F	77.4 Deg. F	68.5 Deg. F	50.1 Deg. F

LEGEND:	< non-detect	-- no test	Out Of Limits	TRC
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SMITHFIELD FARMLAND EFFLUENT

MUNICIPAL SANITARY AUTHORITY The City of New Kensington, Pa.	
SMITHFIELD FARMLAND 2019 EFFLUENT	

Parameter	EPA Limit	SMITHFIELD 1/2-31/19	SMITHFIELD 2/7-28/19	SMITHFIELD 3/7-28/19	SMITHFIELD 4/4-25/19	SMITHFIELD 5/3-31/19
pH	6.0-11.5 su	6.7 - 9.9 su	6.6- 9.6 su	6.5- 9.7 su	6.4- 9.7 su	6.8- 9.7 su
CBOD	729 mg/l	81.9-247.0 mg/l	175.0-259.0 mg/l	131.0-318.0 mg/l	97.9-212.0 mg/l	137.0-364.0 mg/l
TSS	771 mg/l	48.0-72.0 mg/l	40.0-80.0 mg/l	26.0-100.0 mg/l	48.0-76.0 mg/l	60.0-113.0 mg/l
Oil & Grs.	500 mg/l	15.1 mg/l	19.2 mg/l	15.9 mg/l	26.4 mg/l	27.5 mg/l
Temperature	150 Deg. F	71.1-96.4 Deg. F	72.9-98.9 Deg. F	70.7-97.5 Deg. F	80.8-130.5 Deg. F	79.2-109.0 Deg. F

Parameter	EPA Limit	SMITHFIELD 6/3-28/19	SMITHFIELD 7/1-31/19	SMITHFIELD 8/6-27/19	MSANK 8/6-7/19	SMITHFIELD 9/3-24/19
pH	6.0-11.5 su	6.5- 9.9 su	6.6-9.8 su	6.6-8.9 su	--	6.4-9.7 su
CBOD	729 mg/l	156.0-267.0 mg/l	191.0-288.0 mg/l	137.0-552.0 mg/l	331.0 mg/l	227.0-317.0 mg/l
TSS	771 mg/l	42.0-76.0 mg/l	64.0-100.0 mg/l	17.5-218.0 mg/l	88.0 mg/l	49.3-86.7 mg/l
Oil & Grs.	500 mg/l	19.0 mg/l	17.3 mg/l	17.9 mg/l	8.75 mg/l	16.1 mg/l
Temperature	150 Deg. F	89.2-103.0 Deg. F	83.8-117.0 Deg. F	86.5-112.0 Deg. F	--	81.6-104.0 Deg. F

Parameter	EPA Limit	MSANK 10/23-24/19	SMITHFIELD 10/9-30/19	SMITHFIELD 11/6-26/19	SMITHFIELD 12/4--31/19
pH	6.0-11.5 su	8.35 s.u.	6.6-9.4 s.u.	6.4-8.1 s.u.	6.6-8.6 s.u.
CBOD	729 mg/l	227.0 mg/l	267.5 mg/l	192 mg/l	237 mg/l
TSS	771 mg/l	44.0 mg/l	172.2 mg/l	71 mg/l	50 mg/l
Oil & Grs.	500 mg/l	12.85 mg/l	10.43 mg/l	13.87 mg/l	28.73 mg/l
Temperature	150 Deg. F	--	88.25 Deg. F	69.5-103 Deg. F	56.7-99.6 Deg. F

LEGEND:	* not required	< non-detect	-- no test	Out Of Limits
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UNIFIRST EFFLUENT

MUNICIPAL SANITARY AUTHORITY The City of New Kensington, Pa.									
UNIFIRST					EFFLUENT				
2019									
Parameter	EPA Limit	UNIFIRST	UNIFIRST	UNIFIRST	UNIFIRST	UNIFIRST	UNIFIRST	UNIFIRST	UNIFIRST
pH	6.0-11.5 su	1/3-31/19	2/4-28/19	3/5-26/19	4/2-26/19	5/1-31/19	6/3-26/19	7/1-26/19	
CBOD	729.0 mg/l	6.7-8.9 su	6.8-9.7 su	6.2-9.6 su	6.2-9.9 su	6.6-8.6 su	6.3-10.4 su	6.3-8.9 su	
TSS	729.0 mg/l	320-708 mg/l	306-422 mg/l	217-909 mg/l	216-311 mg/l	144-516 mg/l	22-474 mg/l	494-588 mg/l	
Oil & Grs.	771.0 mg/l	32-134 mg/l	51-179 mg/l	76-255 mg/l	81-112 mg/l	43-240 mg/l	50-164 mg/l	114-185 mg/l	
Cadmium	500.0 mg/l	54.4 mg/l	70.3 mg/l	171.6 mg/l	204.1 mg/l	109.4 mg/l	109.4 mg/l	134.6 mg/l	
Chromium	0.110 mg/l	0.0013 mg/l	0.0066 mg/l	0.0017 mg/l	0.0011 mg/l	0.0013 mg/l	0.0009 mg/l	0.0054 mg/l	
Copper	0.690 mg/l	0.0148 mg/l	0.011 mg/l	0.0187 mg/l	0.0092 mg/l	0.0076 mg/l	0.0073 mg/l	0.0337 mg/l	
Lead	0.170 mg/l	0.129 mg/l	0.122 mg/l	0.173 mg/l	0.0951 mg/l	0.0987 mg/l	0.0915 mg/l	0.257 mg/l	
Nickel	0.220 mg/l	0.0334 mg/l	0.0168 mg/l	0.0252 mg/l	0.0169 mg/l	0.0166 mg/l	0.0116 mg/l	0.0616 mg/l	
Zinc	0.220 mg/l	0.0564 mg/l	0.0621 mg/l	0.061 mg/l	0.0415 mg/l	0.0296 mg/l	0.0618 mg/l	0.236 mg/l	
Temperature	150 Deg. F	0.403 mg/l	0.232 mg/l	0.670 mg/l	0.409 mg/l	0.401 mg/l	0.245 mg/l	1.010 mg/l	
		68.0-85.5 Deg. F	66.0-80.0 Deg. F	57.0-83.0 Deg. F	78.0-95.0 Deg. F	82.5-97.0 Deg. F	81.0-97.5 Deg. F	91.0-104.5 Deg. F	

Parameter	EPA Limit	MSANK	UNIFIRST	UNIFIRST	UNIFIRST	MSANK	UNIFIRST	UNIFIRST	UNIFIRST
pH	6.0-11.5 su	7/31-8/1/19	8/1-27/19	9/4-24/19	10/1-29/19	10/1-2/2019	11/1-30/19	12/1-31/19	
CBOD	729.0 mg/l	8.1-9.6 su	6.3-9.6 su	6.5-9.0 su	6.2-9.4 su	9.1-9.7 su	7.91 s.u.	8.38-9.13 su	
TSS	729.0 mg/l	489 mg/l	196-489 mg/l	450-548 mg/l	347-610 mg/l	363 mg/l	328.75 mg/l	288.5 mg/l	
Oil & Grs.	771.0 mg/l	77 mg/l	67-190 mg/l	137-206 mg/l	45-320 mg/l	79 mg/l	154.25 mg/l	179.25 mg/l	
Cadmium	500.0 mg/l	171.5 mg/l	148.1 mg/l	166.7 mg/l	249.7 mg/l	75.2 mg/l	231.81 mg/l	103.02 mg/l	
Chromium	0.110 mg/l	0.003 mg/l	0.0023 mg/l	0.0027 mg/l	0.0023 mg/l	Not tested	0.0023 mg/l	0.002 mg/l	
Copper	0.690 mg/l	0.0172 mg/l	0.0154 mg/l	0.0193 mg/l	0.0098 mg/l	Not tested	0.0138 mg/l	0.0135 mg/l	
Lead	0.170 mg/l	0.189 mg/l	0.166 mg/l	0.208 mg/l	0.101 mg/l	Not tested	0.105 mg/l	0.0998 mg/l	
Nickel	0.220 mg/l	0.0445 mg/l	0.0292 mg/l	0.0408 mg/l	0.0312 mg/l	Not tested	0.0282 mg/l	0.0199 mg/l	
Zinc	0.220 mg/l	0.0879 mg/l	0.0677 mg/l	0.0884 mg/l	0.229 mg/l	Not tested	0.0999 mg/l	0.142 mg/l	
Temperature	150 Deg. F	0.954 mg/l	0.720 mg/l	0.714 mg/l	0.817 mg/l	Not tested	0.794 mg/l	0.598 mg/l	
		91.0-99.3 Deg. F	86.0-108.0 Deg. F	91.5-111.0 Deg. F	83.0-102.5 Deg. F	377.1 Deg. F	73.5-85.0 Deg. F	--	

LEGEND:	< non-defect	-- no test	Permit Violation	TRC
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2019 Self-Monitoring

2019 SIU S.M. REPORT REVIEW SUMMARY													
#	SIU	January	February	March	April	May	June	July	August	Sept.	October	Nov.	Dec.
	Sample												
1	AVH-OCC			RR			RR			LR			LR
	3 Months			PV/NOV						S/PV/NOV			PV/NOV
2	Keystone	MSANK	(ESL) RR	ESL	(ESL) RR	ESL	(ESL) RR	ESL	(ESL) RR	ESL	RR	(ESL) RR	(ESL) RR
	2 Months	PV/NOV	(PV) PV/NOV	PV	(PV) PV/NOV	PV	(PV)	PV	(PV)	PV	(PV)	(PV)	(PV)
3	Schreiber			RR		RR			RR			RR	
	3 Months												
4	Smithfield	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR
	1 Month												
5	Unifirst	RR	RR	RR	RR	RR	RR	RR	RR	LR	RR	RR	RR
	1 Month	S	S	S/PV/NOV	RR	S	S	S/PV/NOV	S	S/PV/NOV	S/PV/NOV		

<b>ESL:</b>	Env. Serv. Lab: Daily	Sampling
<b>MSANK:</b>	Municipal	Sanitary Authority New Ken

<b>LEGEND:</b>	<b>LR:</b> Late Report	<b>PV:</b> Permit Violation
	<b>NR:</b> No Report	<b>NOV:</b> Notice of Violation
	<b>RR:</b> Report Reviewed	<b>S:</b> Surcharge

2019 SNC SUMMARY

2019 SIU SNC REPORT REVIEW SUMMARY													
#	SIU	January	February	March	April	May	June	July	August	Sept.	October	Nov.	Dec.
	Sample												
1	AVH-OCC			RR			RR			LR			LR
	3 Months												
2	Keystone	MSANK	(ESL) RR	ESL	(ESL) RR	ESL	(ESL) RR	ESL	(ESL) RR	ESL	(ESL) RR	(ESL) RR	(ESL) RR
	2 Months	SNC	SNC	SNC	SNC	SNC	SNC	SNC, F	SNC	SNC	SNC, F	SNC	SNC
3	Schreiber			RR		RR			RR				RR
	3 Months												
4	Smithfield	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR
	1 Month												
5	Unifirst	RR	RR	RR	RR	RR	RR	RR	RR	LR	LR	RR	RR
	1 Month			F									

ESL: Env. Serv. Lab: Daily Sampling

MSANK: Municipal Sanitary Authority New Ken

LEGEND:	LR: Late Report	C: Compliance Schedule
	NR: No Report	F: Fine Issued
	RR: Report Reviewed	SNC: Significant Noncompliance

**Attachment 7 – MSANK Influent, Effluent and Sludge  
Quarterly Analytical Data**

**MUNICIPAL SANITARY AUTHORITY**  
The City of New Kensington, Pa.

Location		Parameter	Influent Goal	INFLUENT GOALS			
				3/19-20/2019	6/18-19/2019	9/25/2019	12/18/2019
PA0027111				mg/l	mg/l	mg/l	mg/l
		CBOD	163.278 mg/l	<66.7	360	94.3	160
		TSS	163.278 mg/l	142	53	332	156
		Cyanide - Total	0.0153 mg/l	<0.010	<0.01	0.045	0.014
		Copper - Total	0.0846 mg/l	0.073	0.033	0.146	0.089
		Lead - Total	0.018 mg/l	0.009	0.003	0.018	<0.005
		Zinc - Total	0.191 mg/l	0.354	0.137	0.452	0.300
		Chromium-Total	1.1469 mg/l	0.03	0.01	0.049	0.021
		Nickel - Total	0.022 mg/l	0.064	0.004	0.071	0.033
		Cadmium-Total	0.0106 mg/l	0.0007	<0.0005	0.001	<0.005
		Mercury-Total	0.0016 mg/l	<0.0002	<0.0002	<0.0002	<0.0002
		Arsenic - Total	0.0342 mg/l	<0.001	0.001	<0.001	<0.01
		Chromium-Hex.	0.250 mg/l	<0.010	<0.010	0.012	<0.01
		Molybdenum-T	0.0063 mg/l	0.006	0.004	0.01	0.012
		Selenium-Total	0.0085 mg/l	0.002	<0.002	0.004	<0.02
		Silver - Total	0.1319 mg/l	0.0007	0.0007	0.004	<0.005
		Oil & Grease	No Goal	30.33	7.6	27.3	5.7
		pH (s.u.)	No Goal	7.2-7.7	7.0	not tested	7.2
Temperature	No Goal	52.2 Deg. F	38.3 Deg. F	not tested	55.9 Deg. F		
Ammonia	No Goal	7.46	3.23	16.6	20.5		
Phosphorus	No Goal	2.6	1.2	3.7	3.7		
Phenols - Total	50 mg/l	<0.250	0.59	<0.25	<0.25		
TPH	No Goal	<5.00	<5.0	<5.0	<5.0		
		LEGEND:	< non-detect	-- not tested	Exceed Goals		

# EFFLUENT

			MUNICIPAL SANITARY AUTHORITY The City of New Kensington, Pa.			
Location	Parameter	Effluent Goal	EFFLUENT GOALS			
			3/19-20/2019	6/18-19/2019	9/24-25/2019	12/17-18/2019
PA0027111			mg/l	mg/l	mg/l	mg/l
	CBOD	No Goal	5.5	15	<4	10.4
	TSS	No Goal	18	32	5	20
	Cyanide - Total	0.5064 mg/l	<0.010	0.011	0.071	0.013
	Copper - Total	0.3886 mg/l	0.012	0.017	0.023	0.023
	Lead - Total	0.6301 mg/l	<0.0005	0.001	<0.0005	<0.005
	Zinc - Total	3.2638 mg/l	0.108	0.076	0.11	0.099
	Chromium-Total	Monitor	0.003	0.005	0.003	0.005
	Nickel - Total	9.4897 mg/l	0.016	0.014	0.022	0.012
	Cadmium-Total	0.0106 mg/l	<0.0005	<0.0005	<0.0005	<0.005
	Mercury-Total	0.0077	<0.0002	<0.0002	<0.0002	<0.0002
	Arsenic - Total	1.5372 mg/l	<0.001	<0.001	0.001	<0.01
	Chromium-Hex.	0.250 mg/l	<0.01	<0.01	<0.01	<0.01
	Molybdenum-T	No Goal	0.004	0.004	Not tested	<0.005
	Selenium-Total	0.7689 mg/l	<0.002	<0.002	<0.002	<0.02
	Silver - Total	0.1226 mg/l	<0.0005	<0.0005	<0.0005	<0.003
	Oil & Grease	No Goal	<5	<5	<5	<5
	pH	No Goal	6.7-6.9 su	7.1	6.8	7.0
	Temperature	No Goal	41.6 deg.F	not tested	37.6 deg. F	44.96 deg. F
	Ammonia	No Goal	0.263	0.364	5.23	2.32
	Phosphorus	No Goal	1.24	0.78	2	0.96
	Phenols - Total	1562 mg/l	<0.250	0.37	<0.25	<0.25
	TPH	No Goal	<5.0	<5.0	<5.0	<5.0
		LEGEND:	< non-detect	-- not tested	Exceed Goals	



SLUDGE

**MUNICIPAL SANITARY AUTHORITY**  
The City of New Kensington, Pa.

Location	Parameter	Goals	CLEAN SLUDGE GOALS			
			***3/20/2019	6/19/2019	9/25/2019	12/18/2019
PA0027111			mg/kg dry	mg/kg dry	mg/kg dry	mg/kg dry
	CBOD	No Goal	2,160	3,150	4,330	4,180
	% Solids	No Goal	18.50%	0.21	23.3	21.1
	Cyanide - Total	Monitor	<5.1	<4.5	4.5	<4.5
	Copper - Total	1500 mg/kg	818	725	837	904
	Lead - Total	300 mg/kg	107	104	99.5	94.8
	Zinc - Total	2800 mg/kg	2,850	2,360	2,690	2,730
	Chromium-Total	Monitor	403	301	293	290
	Nickel - Total	420 mg/kg	763	426	380	392
	Cadmium-Total	41 mg/kg	4.67	13.60	6.57	5.08
	Mercury-Total	17 mg/kg	0.866	1.14	1.36	1.71
	Arsenic - Total	39 mg/kg	<5.45	7.09	4.42	<4.95
	Chromium-Hex.	No Goal	<53.5	<48.2	<43.4	<51.2
	Molybdenum-T	No Goal	--	22.10	<43.0	<49.5
	Selenium-Total	100 mg/kg	11.5	14.50	10.5	11.1
	Silver - Total	No Goal	17.9	17.30	20.4	19.8
	Oil & Grease	No Goal	13,900	62,300	29,400	37,100
	pH s.u.	No Goal	8.41	8.36	8.75	8.53
	Ammonia	No Goal	7330	4,560	5,100	6,780
	Phosphorus	No Goal	4,060	5,120	2,270	9,060
	Phenols - Total	No Goal	<2.46	<11.9	19.3	27.2
	Pet. Hyd. -Total	No Goal	2,810	34,600	12,500	21,700

LEGEND:	**Clean Sludge	***Landfilled	Dry Weight Basis	Exceed Goals
			-- not tested	



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02 January 2020

MSANK  
Attn: Joseph F. Ditty  
120 Logans Ferry Rd  
New Kensington, PA 15068

**Work Order: 9121509**  
**Project: MSANK Total Toxic Pollutants**

## Report of Analysis

Client Sample ID	Lab Sample ID	Matrix	Date Sampled	Date Received	Sample Notes
Influent	9121509-01	Waste Water	12/18/2019 09:15	12/18/19 16:40	
Influent Grab	9121509-02	Waste Water	12/18/2019 09:15	12/18/19 16:40	
Influent Composite	9121509-03	Waste Water	12/18/2019 09:05	12/18/19 16:40	
Trip Blank	9121509-04	Waste Water	12/18/2019 00:00	12/18/19 16:40	

### Report Narrative

The results contained in this report are only representative of the samples received. Environmental Service Laboratories, Inc. is not responsible for use or interpretation of the data included herein.

VOC subcontracted to ALS Environmental - Middletown, PA DEP Lab ID 22-00293; please see attached subcontract laboratory Report of Analysis for results.

PCB and Pesticide subcontracted to Pace Analytical Services, LLC., PA-DEP ID 65-00282; please see attached subcontract laboratory Report of Analysis for results.

2,3,7,8-Tetrachlorodibenzo-p-dioxin not present in EPA 625 library search for sample (w.o. #9121509-02).

### Definitions

RL Reporting Limit

### Certifications

Analyses performed by Environmental Service Laboratories, Inc., Indiana PA unless otherwise specified.

Environmental Service Laboratories, Inc., Indiana, PA/TNI Certification #32-00382

### Approved By

*Amanda Penatzer*

Amanda Penatzer  
Project Manager





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MSANK  
120 Logans Ferry Rd  
New Kensington, PA 15068

Reported: 01/02/2020 12:25

**Lab Sample ID#:** 9121509-02  
**Sample Type:** Waste Water  
**Sample Source:** Grab  
**Sampler:** Client  
**Client Sample ID:** Influent Grab

**Sample Date:** 12/18/2019 09:15  
**Receipt Date:** 12/18/2019 16:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
<b>Organics</b>		<b>Analytical Method: EPA8270C</b>		<b>Prep Method: EPA 3510 C</b>			
Pyridine	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
N-Nitrosodimethylamine	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Aniline	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Phenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
bis(2-chloroethyl)ether	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2-Chlorophenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
1,3-Dichlorobenzene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
1,4-Dichlorobenzene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Benzyl alcohol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
1,2-Dichlorobenzene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2-Methylphenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
bis(2-chloroisopropyl)ether	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
3 & 4-Methylphenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
N-Nitroso-di-n-propylamine	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Hexachloroethane	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Nitrobenzene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Isophorone	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2-Nitrophenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2,4-Dimethylphenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
bis(2-chloroethoxy)methane	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2,4-Dichlorophenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Benzoic acid	<100	ug/L		100	MJK	12/22/19 13:39	12/31/19 16:57
1,2,4-Trichlorobenzene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Naphthalene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
4-Chloroaniline	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Hexachlorobutadiene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
4-Chloro-3-methylphenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2-Methylnaphthalene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Hexachlorocyclopentadiene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2,4,6-Trichlorophenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2,4,5-Trichlorophenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2-Chloronaphthalene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57



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MSANK  
120 Logans Ferry Rd  
New Kensington, PA 15068

Reported: 01/02/2020 12:25

**Lab Sample ID#:** 9121509-02  
**Sample Type:** Waste Water  
**Sample Source:** Grab  
**Sampler:** Client  
**Client Sample ID:** Influent Grab

**Sample Date:** 12/18/2019 09:15  
**Receipt Date:** 12/18/2019 16:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
2-Nitroaniline	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Dimethylphthalate	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Acenaphthylene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2,6-Dinitrotoluene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
3-Nitroaniline	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Acenaphthene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2,4-Dinitrophenol	<100	ug/L		100	MJK	12/22/19 13:39	12/31/19 16:57
4-Nitrophenol	<100	ug/L		100	MJK	12/22/19 13:39	12/31/19 16:57
Dibenzofuran	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
2,4-Dinitrotoluene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Diethylphthalate	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Fluorene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
4-Chlorophenyl-phenylether	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
4-Nitroaniline	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
4,6-Dinitro-2-methylphenol	<100	ug/L		100	MJK	12/22/19 13:39	12/31/19 16:57
N-Nitrosodiphenylamine	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Azobenzene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
4-Bromophenyl-phenylether	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Hexachlorobenzene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Pentachlorophenol	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Phenanthrene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Anthracene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Carbazole	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Di-n-butyl phthalate	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Fluoranthene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Benzidine	<150	ug/L		150	MJK	12/22/19 13:39	12/31/19 16:57
Pyrene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Butylbenzylphthalate	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Benzo[a]anthracene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
3,3'-Dichlorobenzidine	<100	ug/L		100	MJK	12/22/19 13:39	12/31/19 16:57
Chrysene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
bis(2-ethylhexyl)phthalate	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Di-n-octyl phthalate	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Benzo[b]fluoranthene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57



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MSANK  
120 Logans Ferry Rd  
New Kensington, PA 15068

Reported: 01/02/2020 12:25

**Lab Sample ID#:** 9121509-02  
**Sample Type:** Waste Water  
**Sample Source:** Grab  
**Sampler:** Client  
**Client Sample ID:** Influent Grab

**Sample Date:** 12/18/2019 09:15  
**Receipt Date:** 12/18/2019 16:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
Benzo[k]fluoranthene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Benzo[a]pyrene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Indeno(1,2,3-cd)pyrene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Dibenzo(a,h)anthracene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Benzo[ghi]perylene	<50.0	ug/L		50.0	MJK	12/22/19 13:39	12/31/19 16:57
Surrogate: 2-Fluorophenol	43 %		15-85		MJK	12/22/19 13:39	12/31/19 16:57
Surrogate: Phenol-d6	39 %		10-85		MJK	12/22/19 13:39	12/31/19 16:57
Surrogate: Nitrobenzene-d5	46 %		20-85		MJK	12/22/19 13:39	12/31/19 16:57
Surrogate: 2-Fluorobiphenyl	49 %		30-120		MJK	12/22/19 13:39	12/31/19 16:57
Surrogate: 2,4,6-Tribromophenol	77 %		30-120		MJK	12/22/19 13:39	12/31/19 16:57
Surrogate: p-Terphenyl-d14	102 %		35-120		MJK	12/22/19 13:39	12/31/19 16:57

**Lab Sample ID#:** 9121509-03  
**Sample Type:** Waste Water  
**Sample Source:** Composite  
**Sampler:** Client  
**Client Sample ID:** Influent Composite

**Sample Begin Date:** 12/17/2019 09:05  
**Sample End Date:** 12/18/2019 09:05  
**Receipt Date:** 12/18/2019 16:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
<b>Total Metals</b>		<b>Analytical Method: EPA200.7 4.4</b>		<b>Prep Method: EPA 200.7 4.4</b>			
Antimony	<0.020	mg/L		0.020	BJL	12/23/19 11:45	12/23/19 16:43
Beryllium	<0.005	mg/L		0.005	BJL	12/23/19 11:45	12/23/19 16:43
Thallium	<0.010	mg/L		0.010	BJL	12/23/19 11:45	12/23/19 16:43



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1200 River Avenue

# SAMPLE REQUES

PAGE

9121509

Sample Identification	ESL#	Sample Type				Matrix	# of Bottles	Container Type Preservative
		Composite		Grab				
		Date on/off	Time on/off	Date	Time			
Influent	9121509 01 30 12/18/19 12/18/19			12-17-19	8:50	WW	3 ✓	40ml VOA HCl
				12-17-19	1:32			
				12-18-19	9:15			
				12-17-19	8:50	WW	3 ✓	40ml VOA Unpreserved
				12-17-19	1:32			
				12-18-19	9:15			
				12-18-19	9:15	WW	1 ✓	Amber Liter None
				12-18-19	9:15			
				12-18-19	9:15			
				12-17-19	9:05	WW	1 ✓	Plastic Pint HNO3
		12-18-19	9:05					
Trip Blank	04 30 12/18/19					W	2 ✓	40ml VOA HCl

THE UNDERSIGNED PURCHASER HEREBY AGREES TO PAY SERVICE CHARGES ON ACCOUNTS OVER 31 DAYS OLD.

1. THESE SERVICE CHARGES WILL ACCRUE AT THE RATE OF 1 1/2% PER MONTH (18% PER ANNUM OR THE MAXIMUM ALLOWED BY LAW.)

2. THE UNDERSIGNED PURCHASER AGREES TO PAY, IN THE EVENT HIS ACCOUNT BECOMES DELINQUENT AND IS TURNED OVER TO ANY ATTORNEY FOR COLLECTION, REASONABLE ATTORNEY'S FEES PLUS ALL COURT AND ATTENDANT COLLECTION COSTS.

Sampled By: (Signature) Keith G. Anderson Date/ Time 12/18/19 11:00	Received By: (Signature) 12/18/19 11:00	Project Name/Notes/ MS/
Relinquished By: (Signature) 12/18/19 1545	Received By: (Signature) 12/18/19 16:40	Company/Name:
Relinquished By: (Signature)	Received By: (Signature)	Address:
Relinquished By: (Signature)	Received By: (Signature)	Contact Person:
		Phone Number:
		Fax Number:
		Email Address:
		Billing Address:
		Purchase Order:

LAB USE ONLY

Correct Preservations Y/N/NA    Correct Containers Y/N/NA    Receipt Temperature

December 24, 2019

Reporting Group  
Environmental Service Laboratories, Inc.  
1803 Philadelphia Street  
Indiana, PA 15701

## Certificate of Analysis

Revised Report - 12/24/2019 12:27:25 PM - See workorder comment section for explanation

Project Name: <b>9121509</b>	Workorder: <b>3076954</b>
Purchase Order:	Workorder ID: <b>9121509</b>

Dear Reporting Group:

Enclosed are the analytical results for samples received by the laboratory on Friday, December 20, 2019.

The ALS Environmental laboratory in Middletown, Pennsylvania is a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory and as such, certifies that all applicable test results meet the requirements of NELAP.

If you have any questions regarding this certificate of analysis, please contact Ms. Amy K Borden (Project Coordinator) at (717) 944-5541.

Analyses were performed according to our laboratory's NELAP-approved quality assurance program and any applicable state requirements. The test results meet requirements of the current NELAP standards or state requirements, where applicable. For a specific list of accredited analytes, refer to the certifications section of the ALS website at [www.alsglobal.com/en/Our-Services/Life-Sciences/Environmental/Downloads](http://www.alsglobal.com/en/Our-Services/Life-Sciences/Environmental/Downloads).

This laboratory report may not be reproduced, except in full, without the written approval of ALS Environmental.

ALS Spring City: 10 Riverside Drive, Spring City, PA 19475 610-948-4903

CC: Accounts Payable

*This page is included as part of the Analytical Report and  
must be retained as a permanent record thereof.*



Ms. Amy K Borden  
Project Coordinator

### ALS Environmental Laboratory Locations Across North America

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Vancouver Waterloo · Winnipeg · Yellowknife United States: Cincinnati · Everett · Fort Collins · Holland · Houston · Middletown · Salt Lake City · Spring City · York Mexico: Monterrey



**SAMPLE SUMMARY**

Workorder: 3076954 9121509

Lab ID	Sample ID	Matrix	Date Collected	Date Received	Collected By
3076954001	9121509-01	Water	12/18/2019 09:15	12/20/2019 12:08	Collected by Client
3076954002	9121509-02	Water	12/18/2019 00:00	12/20/2019 12:08	Collected by Client

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Vancouver Waterloo • Winnipeg • Yellowknife **United States:** Cincinnati • Everett • Fort Collins • Holland • Houston • Middletown • Salt Lake City • Spring City • York **Mexico:** Monterrey



**SAMPLE SUMMARY**

Workorder: 3076954 9121509

**Notes**

- Samples collected by ALS personnel are done so in accordance with the procedures set forth in the ALS Field Sampling Plan (20 - Field Services Sampling Plan).
- All Waste Water analyses comply with methodology requirements of 40 CFR Part 136.
- All Drinking Water analyses comply with methodology requirements of 40 CFR Part 141.
- Unless otherwise noted, all quantitative results for soils are reported on a dry weight basis.
- The Chain of Custody document is included as part of this report.
- All Library Search analytes should be regarded as tentative identifications based on the presumptive evidence of the mass spectra. Concentrations reported are estimated values.
- Parameters identified as "analyze immediately" require analysis within 15 minutes of collection. Any "analyze immediately" parameters not listed under the header "Field Parameters" are preformed in the laboratory and are therefore analyzed out of hold time.
- Method references listed on this report beginning with the prefix "S" followed by a method number (such as S2310B-97) refer to methods from "Standard Methods for the Examination of Water and Wastewater".
- For microbiological analyses, the "Prepared" value is the date/time into the incubator and the "Analyzed" value is the date/time out the incubator.
- An Analysis-Prep Method Cross Reference Table is included after Analytical Results & Qualifiers section in this report.

**Standard Acronyms/Flags**

J	Indicates an estimated value between the Method Detection Limit (MDL) and the Practical Quantitation Limit (PQL) for the analyte
U	Indicates that the analyte was Not Detected (ND)
N	Indicates presumptive evidence of the presence of a compound
MDL	Method Detection Limit
PQL	Practical Quantitation Limit
RDL	Reporting Detection Limit
ND	Not Detected - indicates that the analyte was Not Detected at the RDL
Cntr	Analysis was performed using this container
RegLmt	Regulatory Limit
LCS	Laboratory Control Sample
MS	Matrix Spike
MSD	Matrix Spike Duplicate
DUP	Sample Duplicate
%Rec	Percent Recovery
RPD	Relative Percent Difference
LOD	DoD Limit of Detection
LOQ	DoD Limit of Quantitation
DL	DoD Detection Limit
I	Indicates reported value is greater than or equal to the Method Detection Limit (MDL) but less than the Report Detection Limit (RDL)
(S)	Surrogate Compound
NC	Not Calculated
*	Result outside of QC limits

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**ALS Environmental**



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State Certifications: FL E871113, WA C999, MD 128, VA 460157, WV DW 9961-C, WV 343

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## PROJECT SUMMARY

Workorder: 3076954 9121509

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### Workorder Comments

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Report modified to update sample time per client and updated COC. AKB 12/24/19

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### ANALYTICAL RESULTS

Workorder: 3076954 9121509

Lab ID: **3076954001**

Date Collected: 12/18/2019 09:15

Matrix: Water

Sample ID: **9121509-01**

Date Received: 12/20/2019 12:08

Parameters	Results	Flag	Units	RDL	Method	Prepared	By	Analyzed	By	Cntr
<b>VOLATILE ORGANICS</b>										
Acrolein	ND		ug/L	2.5	EPA 624.1			12/20/19 23:14	VLM	A
Acrylonitrile	ND		ug/L	5.0	EPA 624.1			12/20/19 23:14	VLM	A
Benzene	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Bromodichloromethane	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Bromoform	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Bromomethane	ND		ug/L	1.0	EPA 624.1			12/20/19 23:14	VLM	A
Carbon Tetrachloride	ND		ug/L	1.0	EPA 624.1			12/20/19 23:14	VLM	A
Chlorobenzene	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Chlorodibromomethane	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Chloroethane	ND		ug/L	1.0	EPA 624.1			12/20/19 23:14	VLM	A
2-Chloroethylvinyl ether	ND		ug/L	5.0	EPA 624.1			12/20/19 23:14	VLM	A
Chloroform	1.6		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Chloromethane	ND		ug/L	1.0	EPA 624.1			12/20/19 23:14	VLM	A
1,2-Dichlorobenzene	ND		ug/L	1.0	EPA 624.1			12/20/19 23:14	VLM	A
1,3-Dichlorobenzene	ND		ug/L	1.0	EPA 624.1			12/20/19 23:14	VLM	A
1,4-Dichlorobenzene	ND		ug/L	1.0	EPA 624.1			12/20/19 23:14	VLM	A
1,1-Dichloroethane	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
1,2-Dichloroethane	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
1,1-Dichloroethene	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
trans-1,2-Dichloroethene	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
1,2-Dichloropropane	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
cis-1,3-Dichloropropene	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
trans-1,3-Dichloropropene	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
1,3-Dichloropropene, Total	ND		ug/L	1.0	EPA 624.1			12/20/19 23:14	VLM	A
Ethylbenzene	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Methylene Chloride	ND		ug/L	1.0	EPA 624.1			12/20/19 23:14	VLM	A
1,1,2,2-Tetrachloroethane	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Tetrachloroethene	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Toluene	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
1,1,1-Trichloroethane	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
1,1,2-Trichloroethane	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Trichloroethene	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Trichlorofluoromethane	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
Vinyl Chloride	ND		ug/L	0.50	EPA 624.1			12/20/19 23:14	VLM	A
<b>Surrogate Recoveries</b>	<b>Results</b>	<b>Flag</b>	<b>Units</b>	<b>Limits</b>	<b>Method</b>	<b>Prepared</b>	<b>By</b>	<b>Analyzed</b>	<b>By</b>	<b>Cntr</b>
1,2-Dichloroethane-d4 (S)	103		%	72 - 142	EPA 624.1			12/20/19 23:14	VLM	A

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State Certifications: FL E871113, WA C999, MD 128, VA 460157, WV DW 9961-C, WV 343**ANALYTICAL RESULTS**

Workorder: 3076954 9121509

Lab ID: **3076954001**

Date Collected: 12/18/2019 09:15 Matrix: Water

Sample ID: **9121509-01**

Date Received: 12/20/2019 12:08

Parameters	Results	Flag	Units	RDL	Method	Prepared	By	Analyzed	By	Cntr
4-Bromofluorobenzene (S)	91.9		%	73 - 119	EPA 624.1			12/20/19 23:14	VLM	A
Dibromofluoromethane (S)	99.1		%	74 - 132	EPA 624.1			12/20/19 23:14	VLM	A
Toluene-d8 (S)	93.6		%	75 - 133	EPA 624.1			12/20/19 23:14	VLM	A

Ms. Amy K Borden  
Project Coordinator**ALS Environmental Laboratory Locations Across North America**Canada: Burlington · Calgary · Centre of Excellence · Edmonton · Fort McMurray · Fort St. John · Grande Prairie · London · Mississauga · Richmond Hill · Saskatoon · Thunder Bay  
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### ANALYTICAL RESULTS

Workorder: 3076954 9121509

Lab ID: **3076954002**

Date Collected: 12/18/2019 00:00

Matrix: Water

Sample ID: **9121509-02**

Date Received: 12/20/2019 12:08

Parameters	Results	Flag	Units	RDL	Method	Prepared	By	Analyzed	By	Cntr
<b>VOLATILE ORGANICS</b>										
Acrolein	ND		ug/L	2.5	EPA 624.1			12/20/19 21:17	VLM	A
Acrylonitrile	ND		ug/L	5.0	EPA 624.1			12/20/19 21:17	VLM	A
Benzene	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Bromodichloromethane	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Bromoform	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Bromomethane	ND		ug/L	1.0	EPA 624.1			12/20/19 21:17	VLM	A
Carbon Tetrachloride	ND		ug/L	1.0	EPA 624.1			12/20/19 21:17	VLM	A
Chlorobenzene	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Chlorodibromomethane	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Chloroethane	ND		ug/L	1.0	EPA 624.1			12/20/19 21:17	VLM	A
2-Chloroethylvinyl ether	ND		ug/L	5.0	EPA 624.1			12/20/19 21:17	VLM	A
Chloroform	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Chloromethane	ND		ug/L	1.0	EPA 624.1			12/20/19 21:17	VLM	A
1,2-Dichlorobenzene	ND		ug/L	1.0	EPA 624.1			12/20/19 21:17	VLM	A
1,3-Dichlorobenzene	ND		ug/L	1.0	EPA 624.1			12/20/19 21:17	VLM	A
1,4-Dichlorobenzene	ND		ug/L	1.0	EPA 624.1			12/20/19 21:17	VLM	A
1,1-Dichloroethane	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
1,2-Dichloroethane	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
1,1-Dichloroethene	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
trans-1,2-Dichloroethene	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
1,2-Dichloropropane	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
cis-1,3-Dichloropropene	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
trans-1,3-Dichloropropene	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
1,3-Dichloropropene, Total	ND		ug/L	1.0	EPA 624.1			12/20/19 21:17	VLM	A
Ethylbenzene	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Methylene Chloride	ND		ug/L	1.0	EPA 624.1			12/20/19 21:17	VLM	A
1,1,2,2-Tetrachloroethane	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Tetrachloroethene	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Toluene	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
1,1,1-Trichloroethane	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
1,1,2-Trichloroethane	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Trichloroethene	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Trichlorofluoromethane	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
Vinyl Chloride	ND		ug/L	0.50	EPA 624.1			12/20/19 21:17	VLM	A
<i>Surrogate Recoveries</i>	<i>Results</i>	<i>Flag</i>	<i>Units</i>	<i>Limits</i>	<i>Method</i>	<i>Prepared</i>	<i>By</i>	<i>Analyzed</i>	<i>By</i>	<i>Cntr</i>
1,2-Dichloroethane-d4 (S)	102		%	72 - 142	EPA 624.1			12/20/19 21:17	VLM	A

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### ANALYTICAL RESULTS

Workorder: 3076954 9121509

Lab ID: **3076954002**

Date Collected: 12/18/2019 00:00 Matrix: Water

Sample ID: **9121509-02**

Date Received: 12/20/2019 12:08

Parameters	Results	Flag	Units	RDL	Method	Prepared	By	Analyzed	By	Cntr
4-Bromofluorobenzene (S)	91.6		%	73 - 119	EPA 624.1			12/20/19 21:17	VLM	A
Dibromofluoromethane (S)	98.8		%	74 - 132	EPA 624.1			12/20/19 21:17	VLM	A
Toluene-d8 (S)	92.8		%	75 - 133	EPA 624.1			12/20/19 21:17	VLM	A



Ms. Amy K Borden  
Project Coordinator

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**ANALYSIS - PREP METHOD CROSS REFERENCE TABLE**

Workorder: 3076954 9121509

Lab ID	Sample ID	Analysis Method	Prep Method
3076954001	9121509-01	EPA 624.1	
3076954002	9121509-02	EPA 624.1	

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**SUBCONTRACT ORDER**  
**Environmental Service Laboratories, Inc.**  
**9121509**



Please report all results to [reports@envlabs.com](mailto:reports@envlabs.com). Contact ESL with any questions.

**SENDING LABORATORY:**

Environmental Service Laboratories, Inc.  
1803 Philadelphia Street  
Indiana, PA 15701  
Phone: 724-463-8378  
Fax: 724-465-4209  
Project Manager: Amanda Penatzer

**RECEIVING LABORATORY:**

ALS Environmental  
301 Fulling Mill Rd  
Middletown, PA 17057  
Phone :717/944-5541  
Fax: 717/944-1430

State of Origin: PA

Analysis	Due	Expires	Comments
<b>Sample ID: 9121509-01</b>			
Matrix: Water	Sampled: 12/18/2019 13:32	Sample Type: Composite	Sampled By: Client
VOC	12/31/2019 23:00	01/01/2020 13:32	VOC + Acrolein + Acrylonitrile
Containers Supplied:			
VOA Vial, 40mL, HCL (E)	VOA Vial, 40mL, HCL (F)	VOA Vial, 40mL, HCL (G)	VOA Vial, 40mL (H)
VOA Vial, 40mL (J)			VOA Vial, 40mL (I)
<b>Sample ID: 9121509-02</b>			
Matrix: Water	Sampled: 12/18/2019 00:00	Sample Type: Composite	Sampled By: Client
VOC	12/31/2019 23:00	01/01/2020 00:00	VOC + Acrolein + Acrylonitrile
Containers Supplied:			
VOA Vial, 40mL, HCL (A)	VOA Vial, 40mL, HCL (B)		

\*run acrolein + acrylonitrile from unprepared  
VOA 40 mL vials (expires Saturday 12/21/19.)

Released By	Date	Received By	Date
	12/19/19		12/20/19 1208
Released By	Date	Received By	Date





301 Fulling Mill Road  
Middletown, PA 17057  
P: (717) 944-5541  
F: (717) 944-1430

## Condition of Sample Receipt Form

Client: ESL Work Order #: 3076954 Initials: AYB Date: 12/20/19

1. Were airbills / tracking numbers present and recorded?..... NONE ☒ YES NO  
Tracking number: 1ZE98E260153767094
2. Are Custody Seals on shipping containers intact?..... ☒ NONE YES NO
3. Are Custody Seals on sample containers intact?..... ☒ NONE YES NO
4. Is there a COC (Chain-of-Custody) present?..... ☒ YES NO
5. Are the COC and bottle labels complete, legible and in agreement?..... ☒ YES NO
- 5a. Does the COC contain sample locations?..... ☒ YES NO
- 5b. Does the COC contain date and time of sample collection for all samples?..... ☒ YES NO
- 5c. Does the COC contain sample collectors name?..... ☒ YES NO
- 5d. Does the COC note the type(s) of preservation for all bottles?..... ☒ YES NO
- 5e. Does the COC note the number of bottles submitted for each sample?..... ☒ YES NO
- 5f. Does the COC note the type of sample, composite or grab?..... ☒ YES NO
- 5g. Does the COC note the matrix of the sample(s)?..... ☒ YES NO
6. Are all aqueous samples requiring preservation preserved correctly?..... N/A ☒ YES NO
7. Were all samples placed in the proper containers for the requested analyses, with sufficient volume?..... ☒ YES NO
8. Are all samples within holding times for the requested analyses?..... ☒ YES NO
9. Were all sample containers received intact and headspace free when required? (not broken, leaking, frozen, etc.)..... ☒ YES NO
10. Did we receive trip blanks ( applies only for methods EPA 504, EPA 524.2 and 1631E (LL Hg)?..... ☒ N/A YES NO
11. Were the samples received on ice?..... ☒ YES NO
12. Were sample temperatures measured at 0.0-6.0°C..... ☒ YES NO
13. Are the samples DW matrix ? If YES, fill out Reportable Drinking Water questions below..... YES ☒ NO
- 13a. Are the samples required for SDWA compliance reporting?..... N/A YES NO
- 13b. Did the client provide a SDWA PWS ID#?..... N/A YES NO
- 13c. Are all aqueous unpreserved SDWA samples pH 5-9?..... N/A YES NO
- 13d. Did the client provide the SDWA sample location ID/Description?..... N/A YES NO
- 13e. Did the client provide the SDWA sample type (D, E, R, C, P, S)?..... N/A YES NO

Cooler #: \_\_\_\_\_

Temperature (°C): 1 \_\_\_\_\_

Thermometer ID: TH525 \_\_\_\_\_

Radiological (µCi): \_\_\_\_\_

COMMENTS (Required for all NO responses above and any sample non-conformance):

**SUBCONTRACT ORDER**  
**Environmental Service Laboratories, Inc.**  
**9121509**

Please report all results to [reports@envlabs.com](mailto:reports@envlabs.com). Contact ESL with any questions.

**SENDING LABORATORY:**

Environmental Service Laboratories, Inc.  
1803 Philadelphia Street  
Indiana, PA 15701  
Phone: 724-463-8378  
Fax: 724-465-4209  
Project Manager: Amanda Penatzer

**RECEIVING LABORATORY:**

ALS Environmental  
301 Fulling Mill Rd  
Middletown, PA 17057  
Phone :717/944-5541  
Fax: 717/944-1430

State of Origin: PA

Analysis	Due	Expires	Comments
<b>Sample ID: 9121509-01</b>			
<b>Matrix: Water</b>	<b>Sampled: 12/18/2019 09:15</b>	<b>Sample Type: Composite</b>	<b>Sampled By: Client</b>
VOC	12/31/2019 23:00	01/01/2020 09:15	VOC + Acrolein + Acrylonitrile
<i>Containers Supplied:</i>			
VOA Vial, 40mL, HCL (A)	VOA Vial, 40mL, HCL (B)	VOA Vial, 40mL, HCL (C)	VOA Vial, 40mL (D) VOA Vial, 40mL (E)
VOA Vial, 40mL (F)			
<b>Sample ID: 9121509-04</b>			
<b>Matrix: Water</b>	<b>Sampled: 12/18/2019 00:00</b>	<b>Sample Type: Composite</b>	<b>Sampled By: Client</b>
VOC	12/31/2019 23:00	01/01/2020 00:00	
<i>Containers Supplied:</i>			
VOA Vial, 40mL, HCL (A)	VOA Vial, 40mL, HCL (B)		

Released By 

Date 12/23/19

Received By

Date

Released By

Date

Received By

Date



December 31, 2019

Mr Richard Rodriguez  
Environmental Service Laboratories, Inc.  
1803 Philadelphia Street  
Indiana, PA 15701

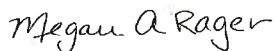
RE: Project: 9121509  
Pace Project No.: 30341971

Dear Mr Rodriguez:

Enclosed are the analytical results for sample(s) received by the laboratory on December 20, 2019. The results relate only to the samples included in this report. Results reported herein conform to the most current, applicable TNI/NELAC standards and the laboratory's Quality Assurance Manual, where applicable, unless otherwise noted in the body of the report.

If you have any questions concerning this report, please feel free to contact me.

Sincerely,



Megan A. Rager  
megan.rager@pacelabs.com  
(724)850-5600  
Project Manager

Enclosures



## REPORT OF LABORATORY ANALYSIS

This report shall not be reproduced, except in full,  
without the written consent of Pace Analytical Services, LLC.

## CERTIFICATIONS

Project: 9121509  
Pace Project No.: 30341971

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### **Pace Analytical Services Pennsylvania**

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ANAB DOD-ELAP Rad Accreditation #: L2417

Alabama Certification #: 41590

Arizona Certification #: AZ0734

Arkansas Certification

California Certification #: 04222CA

Colorado Certification #: PA01547

Connecticut Certification #: PH-0694

Delaware Certification

EPA Region 4 DW Rad

Florida/TNI Certification #: E87683

Georgia Certification #: C040

Florida: Cert E871149 SEKS WET

Guam Certification

Hawaii Certification

Idaho Certification

Illinois Certification

Indiana Certification

Iowa Certification #: 391

Kansas/TNI Certification #: E-10358

Kentucky Certification #: KY90133

KY WW Permit #: KY0098221

KY WW Permit #: KY0000221

Louisiana DHH/TNI Certification #: LA180012

Louisiana DEQ/TNI Certification #: 4086

Maine Certification #: 2017020

Maryland Certification #: 308

Massachusetts Certification #: M-PA1457

Michigan/PADEP Certification #: 9991

Missouri Certification #: 235

Montana Certification #: Cert0082

Nebraska Certification #: NE-OS-29-14

Nevada Certification #: PA014572018-1

New Hampshire/TNI Certification #: 297617

New Jersey/TNI Certification #: PA051

New Mexico Certification #: PA01457

New York/TNI Certification #: 10888

North Carolina Certification #: 42706

North Dakota Certification #: R-190

Ohio EPA Rad Approval: #41249

Oregon/TNI Certification #: PA200002-010

Pennsylvania/TNI Certification #: 65-00282

Puerto Rico Certification #: PA01457

Rhode Island Certification #: 65-00282

South Dakota Certification

Tennessee Certification #: 02867

Texas/TNI Certification #: T104704188-17-3

Utah/TNI Certification #: PA014572017-9

USDA Soil Permit #: P330-17-00091

Vermont Dept. of Health: ID# VT-0282

Virgin Island/PADEP Certification

Virginia/VELAP Certification #: 9526

Washington Certification #: C868

West Virginia DEP Certification #: 143

West Virginia DHHR Certification #: 9964C

Wisconsin Approve List for Rad

Wyoming Certification #: 8TMS-L

## REPORT OF LABORATORY ANALYSIS

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## SAMPLE ANALYTE COUNT

Project: 9121509  
Pace Project No.: 30341971

Lab ID	Sample ID	Method	Analysts	Analytes Reported	Laboratory
30341971001	9121509-01	EPA 608.3 Dec 2016	CWB	9	PASI-PA
		EPA 608.3 Dec 2016	TAW	20	PASI-PA

## REPORT OF LABORATORY ANALYSIS

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## ANALYTICAL RESULTS

Project: 9121509  
Pace Project No.: 30341971

Sample: 9121509-01      Lab ID: 30341971001      Collected: 12/18/19 09:15      Received: 12/20/19 17:30      Matrix: Water								
Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
<b>608.3 GCS PCBs</b> Analytical Method: EPA 608.3 Dec 2016      Preparation Method: EPA 608.3 DEC 2016								
PCB-1016 (Aroclor 1016)	ND	ug/L	0.25	1	12/23/19 13:34	12/27/19 16:23	12674-11-2	1c
PCB-1221 (Aroclor 1221)	ND	ug/L	0.25	1	12/23/19 13:34	12/27/19 16:23	11104-28-2	1c
PCB-1232 (Aroclor 1232)	ND	ug/L	0.25	1	12/23/19 13:34	12/27/19 16:23	11141-16-5	1c
PCB-1242 (Aroclor 1242)	ND	ug/L	0.25	1	12/23/19 13:34	12/27/19 16:23	53469-21-9	1c
PCB-1248 (Aroclor 1248)	ND	ug/L	0.25	1	12/23/19 13:34	12/27/19 16:23	12672-29-6	1c
PCB-1254 (Aroclor 1254)	ND	ug/L	0.25	1	12/23/19 13:34	12/27/19 16:23	11097-69-1	1c
PCB-1260 (Aroclor 1260)	ND	ug/L	0.25	1	12/23/19 13:34	12/27/19 16:23	11096-82-5	1c
<b>Surrogates</b>								
Tetrachloro-m-xylene (S)	59	%	16-117	1	12/23/19 13:34	12/27/19 16:23	877-09-8	
Decachlorobiphenyl (S)	54	%	10-146	1	12/23/19 13:34	12/27/19 16:23	2051-24-3	
<b>608.3 GCS Pesticides</b> Analytical Method: EPA 608.3 Dec 2016      Preparation Method: EPA 608.3 DEC 2016								
Aldrin	ND	ug/L	0.12	5	12/23/19 13:34	12/28/19 07:47	309-00-2	ED
alpha-BHC	ND	ug/L	0.12	5	12/23/19 13:34	12/28/19 07:47	319-84-6	ED
beta-BHC	ND	ug/L	0.12	5	12/23/19 13:34	12/28/19 07:47	319-85-7	ED
delta-BHC	ND	ug/L	0.12	5	12/23/19 13:34	12/28/19 07:47	319-86-8	ED
gamma-BHC (Lindane)	ND	ug/L	0.12	5	12/23/19 13:34	12/28/19 07:47	58-89-9	ED
Chlordane (Technical)	ND	ug/L	1.2	5	12/23/19 13:34	12/28/19 07:47	57-74-9	ED
4,4'-DDD	ND	ug/L	0.25	5	12/23/19 13:34	12/28/19 07:47	72-54-8	ED
4,4'-DDE	ND	ug/L	0.25	5	12/23/19 13:34	12/28/19 07:47	72-55-9	ED
4,4'-DDT	ND	ug/L	0.25	5	12/23/19 13:34	12/28/19 07:47	50-29-3	ED
Dieldrin	ND	ug/L	0.25	5	12/23/19 13:34	12/28/19 07:47	60-57-1	ED
Endosulfan I	ND	ug/L	0.12	5	12/23/19 13:34	12/28/19 07:47	959-98-8	ED
Endosulfan II	ND	ug/L	0.25	5	12/23/19 13:34	12/28/19 07:47	33213-65-9	ED
Endosulfan sulfate	ND	ug/L	0.25	5	12/23/19 13:34	12/28/19 07:47	1031-07-8	ED
Endrin	ND	ug/L	0.25	5	12/23/19 13:34	12/28/19 07:47	72-20-8	ED
Endrin aldehyde	ND	ug/L	0.25	5	12/23/19 13:34	12/28/19 07:47	7421-93-4	C2,ED
Heptachlor	ND	ug/L	0.12	5	12/23/19 13:34	12/28/19 07:47	76-44-8	ED
Heptachlor epoxide	ND	ug/L	0.12	5	12/23/19 13:34	12/28/19 07:47	1024-57-3	ED
Toxaphene	ND	ug/L	2.5	5	12/23/19 13:34	12/28/19 07:47	8001-35-2	ED
<b>Surrogates</b>								
Tetrachloro-m-xylene (S)	76	%	21-100	5	12/23/19 13:34	12/28/19 07:47	877-09-8	
Decachlorobiphenyl (S)	56	%	10-113	5	12/23/19 13:34	12/28/19 07:47	2051-24-3	

## REPORT OF LABORATORY ANALYSIS

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## QUALITY CONTROL DATA

Project: 9121509  
Pace Project No.: 30341971

QC Batch: 376653	Analysis Method: EPA 608.3 Dec 2016
QC Batch Method: EPA 608.3 DEC 2016	Analysis Description: 6083 GCS PCB
Associated Lab Samples: 30341971001	

METHOD BLANK: 1827318 Matrix: Water  
Associated Lab Samples: 30341971001

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
PCB-1016 (Aroclor 1016)	ug/L	ND	0.25	12/27/19 15:15	
PCB-1221 (Aroclor 1221)	ug/L	ND	0.25	12/27/19 15:15	
PCB-1232 (Aroclor 1232)	ug/L	ND	0.25	12/27/19 15:15	
PCB-1242 (Aroclor 1242)	ug/L	ND	0.25	12/27/19 15:15	
PCB-1248 (Aroclor 1248)	ug/L	ND	0.25	12/27/19 15:15	
PCB-1254 (Aroclor 1254)	ug/L	ND	0.25	12/27/19 15:15	
PCB-1260 (Aroclor 1260)	ug/L	ND	0.25	12/27/19 15:15	
Decachlorobiphenyl (S)	%	77	10-146	12/27/19 15:15	
Tetrachloro-m-xylene (S)	%	71	16-117	12/27/19 15:15	

LABORATORY CONTROL SAMPLE: 1827319

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
PCB-1016 (Aroclor 1016)	ug/L	2.5	1.7	70	61-103	
PCB-1260 (Aroclor 1260)	ug/L	2.5	1.9	75	37-130	
Decachlorobiphenyl (S)	%			79	10-146	
Tetrachloro-m-xylene (S)	%			72	16-117	

Results presented on this page are in the units indicated by the "Units" column except where an alternate unit is presented to the right of the result.

## REPORT OF LABORATORY ANALYSIS

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## QUALITY CONTROL DATA

Project: 9121509  
Pace Project No.: 30341971

QC Batch: 376652	Analysis Method: EPA 608.3 Dec 2016
QC Batch Method: EPA 608.3 DEC 2016	Analysis Description: 608.3 GCS Pesticide
Associated Lab Samples: 30341971001	

METHOD BLANK: 1827314 Matrix: Water  
Associated Lab Samples: 30341971001

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
4,4'-DDD	ug/L	ND	0.050	12/28/19 00:56	
4,4'-DDE	ug/L	ND	0.050	12/28/19 00:56	
4,4'-DDT	ug/L	ND	0.050	12/28/19 00:56	
Aldrin	ug/L	ND	0.025	12/28/19 00:56	
alpha-BHC	ug/L	ND	0.025	12/28/19 00:56	
beta-BHC	ug/L	ND	0.025	12/28/19 00:56	
Chlordane (Technical)	ug/L	ND	0.25	12/28/19 00:56	
delta-BHC	ug/L	ND	0.025	12/28/19 00:56	
Dieldrin	ug/L	ND	0.050	12/28/19 00:56	
Endosulfan I	ug/L	ND	0.025	12/28/19 00:56	
Endosulfan II	ug/L	ND	0.050	12/28/19 00:56	
Endosulfan sulfate	ug/L	ND	0.050	12/28/19 00:56	
Endrin	ug/L	ND	0.050	12/28/19 00:56	
Endrin aldehyde	ug/L	ND	0.050	12/28/19 00:56	
gamma-BHC (Lindane)	ug/L	ND	0.025	12/28/19 00:56	
Heptachlor	ug/L	ND	0.025	12/28/19 00:56	
Heptachlor epoxide	ug/L	ND	0.025	12/28/19 00:56	
Toxaphene	ug/L	ND	0.50	12/28/19 00:56	
Decachlorobiphenyl (S)	%	66	10-113	12/28/19 00:56	2c
Tetrachloro-m-xylene (S)	%	65	21-100	12/28/19 00:56	

LABORATORY CONTROL SAMPLE: 1827315

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
4,4'-DDD	ug/L	0.4	0.30	75	48-130	2c
4,4'-DDE	ug/L	0.4	0.28	70	54-130	
4,4'-DDT	ug/L	0.4	0.28	71	46-137	2c
Aldrin	ug/L	0.2	0.12	59	54-130	
alpha-BHC	ug/L	0.2	0.13	65	49-130	
beta-BHC	ug/L	0.2	0.13	66	39-130	
delta-BHC	ug/L	0.2	0.15	73	51-130	
Dieldrin	ug/L	0.4	0.28	70	58-130	
Endosulfan I	ug/L	0.2	0.13	65	57-141	
Endosulfan II	ug/L	0.4	0.28	70	22-171	
Endosulfan sulfate	ug/L	0.4	0.30	75	38-132	2c
Endrin	ug/L	0.4	0.29	72	51-130	2c
Endrin aldehyde	ug/L	0.4	0.28	70	54-117	2c
gamma-BHC (Lindane)	ug/L	0.2	0.13	64	43-130	
Heptachlor	ug/L	0.2	0.12	60	43-130	
Heptachlor epoxide	ug/L	0.2	0.13	66	57-132	

Results presented on this page are in the units indicated by the "Units" column except where an alternate unit is presented to the right of the result.

## REPORT OF LABORATORY ANALYSIS

Date: 12/31/2019 02:03 PM

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## QUALITY CONTROL DATA

Project: 9121509  
Pace Project No.: 30341971

LABORATORY CONTROL SAMPLE: 1827315

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Decachlorobiphenyl (S)	%.			71	10-113	2c
Tetrachloro-m-xylene (S)	%.			62	21-100	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 1827316 1827317

Parameter	Units	30341492001 Result	MS Spike Conc.	MSD Spike Conc.	MS Result	MSD Result	MS % Rec	MSD % Rec	% Rec Limits	RPD	Qual
4,4'-DDD	ug/L	0.24 U	0.38	0.38	.17J	.17J	43	45	31-141		
4,4'-DDE	ug/L	0.24 U	0.38	0.38	.14J	.15J	38	39	30-145		
4,4'-DDT	ug/L	0.24 U	0.38	0.38	.15J	.15J	38	39	25-160		
Aldrin	ug/L	0.12 U	0.19	0.19	.079J	.086J	41	45	42-140		
alpha-BHC	ug/L	0.13	0.19	0.19	0.25	0.24	66	60	37-140	4	
beta-BHC	ug/L	0.12 U	0.19	0.19	.06J	.054J	31	28	17-147		
delta-BHC	ug/L	0.12 U	0.19	0.19	ND	.11J	60	58	19-140		
Dieldrin	ug/L	0.24 U	0.38	0.38	.19J	.18J	49	47	36-146		
Endosulfan I	ug/L	0.12 U	0.19	0.19	ND	.1J	61	53	45-153		
Endosulfan II	ug/L	0.24 U	0.38	0.38	ND	.23J	61	60	10-202		
Endosulfan sulfate	ug/L	0.24 U	0.38	0.38	0.28	0.27	72	71	26-144	2	
Endrin	ug/L	0.24 U	0.38	0.38	ND	.23J	61	59	30-147		
Endrin aldehyde	ug/L	0.24 U	0.38	0.38	0.30	0.28	77	72	13-139	7	
gamma-BHC (Lindane)	ug/L	0.12 U	0.19	0.19	0.13	ND	67	62	32-140		
Heptachlor	ug/L	0.12 U	0.19	0.19	.083J	.093J	43	48	34-140		
Heptachlor epoxide	ug/L	0.12 U	0.19	0.19	0.13	0.12	68	63	37-142	7	
Decachlorobiphenyl (S)	%.						31	31	10-113		
Tetrachloro-m-xylene (S)	%.						57	52	21-100		

Results presented on this page are in the units indicated by the "Units" column except where an alternate unit is presented to the right of the result.

## REPORT OF LABORATORY ANALYSIS

Date: 12/31/2019 02:03 PM

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## QUALIFIERS

Project: 9121509  
Pace Project No.: 30341971

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### DEFINITIONS

DF - Dilution Factor, if reported, represents the factor applied to the reported data due to dilution of the sample aliquot.  
ND - Not Detected at or above adjusted reporting limit.  
TNTC - Too Numerous To Count  
J - Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit.  
MDL - Adjusted Method Detection Limit.  
PQL - Practical Quantitation Limit.  
RL - Reporting Limit - The lowest concentration value that meets project requirements for quantitative data with known precision and bias for a specific analyte in a specific matrix.  
S - Surrogate  
1,2-Diphenylhydrazine decomposes to and cannot be separated from Azobenzene using Method 8270. The result for each analyte is a combined concentration.  
Consistent with EPA guidelines, unrounded data are displayed and have been used to calculate % recovery and RPD values.  
LCS(D) - Laboratory Control Sample (Duplicate)  
MS(D) - Matrix Spike (Duplicate)  
DUP - Sample Duplicate  
RPD - Relative Percent Difference  
NC - Not Calculable.  
SG - Silica Gel - Clean-Up  
U - Indicates the compound was analyzed for, but not detected.  
N-Nitrosodiphenylamine decomposes and cannot be separated from Diphenylamine using Method 8270. The result reported for each analyte is a combined concentration.  
Pace Analytical is TNI accredited. Contact your Pace PM for the current list of accredited analytes.  
TNI - The NELAC Institute.

### LABORATORIES

PASI-PA Pace Analytical Services - Greensburg

### BATCH QUALIFIERS

Batch: 376653

[M5] A matrix spike/matrix spike duplicate was not performed for this batch due to insufficient sample volume.

### ANALYTE QUALIFIERS

1c A matrix spike/matrix spike duplicate was not performed for this batch due to insufficient sample volume.  
2c Retention times shifted during the analytical sequence such that the retention times for target analytes and surrogates in samples, QC samples, and standards fell outside of their respective retention time windows. Standards and QC samples were used to aid analyte identification in samples. The peak(s) for this analyte was(were) manually identified.  
C2 Relative percent difference between results from each column was greater than 40%. The lower of the two results was reported.  
ED Due to the extract's physical characteristics, the analysis was performed at dilution.

## REPORT OF LABORATORY ANALYSIS

## QUALITY CONTROL DATA CROSS REFERENCE TABLE

Project: 9121509

Pace Project No.: 30341971

Lab ID	Sample ID	QC Batch Method	QC Batch	Analytical Method	Analytical Batch
30341971001	9121509-01	EPA 608.3 DEC 2016	376653	EPA 608.3 Dec 2016	376867
30341971001	9121509-01	EPA 608.3 DEC 2016	376652	EPA 608.3 Dec 2016	376866

## REPORT OF LABORATORY ANALYSIS

Date: 12/31/2019 02:03 PM

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SUBCONTRACT ORDER  
Environmental Service Laboratories, Inc.  
9121509

WU# : 30341971



Please report all results to [reports@envlabs.com](mailto:reports@envlabs.com). Contact ESL with any questions.

**SENDING LABORATORY:**

Environmental Service Laboratories, Inc.  
1803 Philadelphia Street  
Indiana, PA 15701  
Phone: 724-463-8378  
Fax: 724-465-4209  
Project Manager: Amanda Penatzer

**RECEIVING LABORATORY:**

Pace Analytical Services, LLC.  
1638 Roseytown Road - Suites 2, 3, 4  
Greensburg, PA 15601  
Phone : (724) 850-5600  
Fax: -

State of Origin: PA

Analysis	Due	Expires	Comments
Sample ID: 9121509-01			
Matrix: Water	Sampled: 12/18/2019 13:32	Sample Type: Composite	Sampled By: Client
Pesticides	12/31/2019 23:00	12/25/2019 13:32	
PCB	12/31/2019 23:00	12/25/2019 13:32	
Containers Supplied:			
Amber Glass, 1000mL (B)	Amber Glass, 1000mL (C)		

Released By	Date	Received By	Date
<i>Bill Graham</i>	12/20/19 1730	<i>Bill Graham</i>	12-20-19 1015
Released By	Date	Received By	Date
		<i>[Signature]</i>	12/20/19 1730



# Pittsburgh Lab Sample Condition Upon Receipt



Client Name:

ESL

Project #

# 30341971

Courier: ☐ Fed Ex ☐ UPS ☐ USPS ☐ Client ☐ Commercial ☒ Pace Other

Tracking #:

Label	JSM
LIMS Login	JSM

Custody Seal on Cooler/Box Present: ☐ yes ☒ no Seals intact: ☐ yes ☐ no

Thermometer Used 10 Type of Ice: ☒ Wet ☐ Blue ☐ None

Cooler Temperature Observed Temp 3.8 °C Correction Factor: 0 °C Final Temp: 3.8 °C

Temp should be above freezing to 6°C

Comments:	Yes	No	N/A	pH paper Lot#	Date and Initials of person examining contents:
Chain of Custody Present:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1020301	JSM 12/20/19
Chain of Custody Filled Out:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Chain of Custody Relinquished:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sampler Name & Signature on COC:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		no signature
Sample Labels match COC:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
-Includes date/time/ID Matrix: WT					
Samples Arrived within Hold Time:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Short Hold Time Analysis (<72hr remaining):	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Rush Turn Around Time Requested:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Sufficient Volume:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Correct Containers Used:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
-Pace Containers Used:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Containers Intact:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Orthophosphate field filtered	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Hex Cr Aqueous sample field filtered	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Organic Samples checked for dechlorination:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Filtered volume received for Dissolved tests	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
All containers have been checked for preservation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
exceptions: VOA, coliform, TOC, O&G, Phenolics, Radon, Non-aqueous matrix					
All containers meet method preservation requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Initial when completed JSM	Date/time of preservation
				Lot # of added preservative	
Headspace in VOA Vials (>6mm):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Trip Blank Present:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Trip Blank Custody Seals Present	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Rad Samples Screened < 0.5 mrem/hr	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Initial when completed JSM	Date: 12/20/19

Client Notification/ Resolution:

Person Contacted:

Date/Time:

Contacted By:

Comments/ Resolution:

☐ A check in this box indicates that additional information has been stored in reports.

Note: Whenever there is a discrepancy affecting North Carolina compliance samples, a copy of this form will be sent to the North Carolina DEHNR Certification Office (i.e. out of hold, incorrect preservative, out of temp, incorrect containers)

\*PM review is documented electronically in LIMS. When the Project Manager closes the SRF Review schedule in LIMS. The review is in the Status section of the Workorder Edit Screen.

**SUBCONTRACT ORDER**

**Environmental Service Laboratories, Inc.**

**9121509**

Please report all results to **reports@envlabs.com**. Contact ESL with any questions.

**SENDING LABORATORY:**

Environmental Service Laboratories, Inc.  
1803 Philadelphia Street  
Indiana, PA 15701  
Phone: 724-463-8378  
Fax: 724-465-4209  
Project Manager: Amanda Penatzer

**RECEIVING LABORATORY:**

Pace Analytical Services, LLC.  
1638 Roseytown Road - Suites 2, 3, 4  
Greensburg, PA 15601  
Phone : (724) 850-5600  
Fax: -

State of Origin: PA

**Analysis**

**Due**

**Expires**

**Comments**

**Sample ID: 9121509-02**

**Matrix: Water**

**Sampled: 12/18/2019 09:15**

**Sample Type: Grab**

**Sampled By: Client**

Pesticides

12/31/2019 23:00 12/25/2019 09:15

PCB

12/31/2019 23:00 12/25/2019 09:15

*Containers Supplied:*

Amber Glass, 1000mL (A) Amber Glass, 1000mL (B)

Released By

Date

Received By

Date

Released By

Date

Received By

Date





1803 Philadelphia Street  
Indiana, PA 15701  
P: (724) 463-8378  
F: (724) 465-4209  
PADEP: 32-00382

1276 Bentleyville Road  
Van Voorhis, PA 15366  
P: (724) 258-8378  
F: (724) 258-8376  
PADEP: 63-04247

435 Broad Street  
Montoursville, PA 17754  
P: (570) 321-9002  
F: (570) 321-1957  
PADEP: 41-04880

950 West Main Street  
Sharpville, PA 16150  
P: (724) 463-8378 x 500  
F: (724) 465-4209  
PADEP: 43-04934

07 January 2020

MSANK  
Attn: Joseph F. Ditty  
120 Logans Ferry Rd  
New Kensington, PA 15068

Work Order: 9121510  
Project: MSANK Total Toxic Pollutants

## Report of Analysis

Client Sample ID	Lab Sample ID	Matrix	Date Sampled	Date Received	Sample Notes
Sludge	9121510-01	Sludge	12/18/2019 10:28	12/18/19 16:40	

### Report Narrative

The results contained in this report are only representative of the samples received. Environmental Service Laboratories, Inc. is not responsible for use or interpretation of the data included herein.

2,3,7,8-Tetrachlorodibenzo-p-dioxin not present in EPA 625 library search for sample (w.o. #9121510-01).

PCB and Pesticides subcontracted to Pace Analytical Services, LLC., PA-DEP ID 65-00282; please see attached subcontract laboratory Report of Analysis for results.

### Definitions

Qq Matrix Spike Duplicate analysis did not meet laboratory acceptance criteria.  
LH Laboratory control sample exceeded acceptance criteria, result may be biased high.  
RL Reporting Limit

### Certifications

Analyses performed by Environmental Service Laboratories, Inc., Indiana PA unless otherwise specified.

Environmental Service Laboratories, Inc., Indiana, PA/TNI Certification #32-00382

### Approved By

*Amanda Penatzer*

Amanda Penatzer  
Project Manager





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120 Logans Ferry Rd  
New Kensington, PA 15068

Reported: 01/07/2020 10:30

**Lab Sample ID#:** 9121510-01  
**Sample Type:** Sludge  
**Sample Source:** Grab  
**Sampler:** Client  
**Client Sample ID:** Sludge

**Sample Date:** 12/18/2019 10:28  
**Receipt Date:** 12/18/2019 16:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
<b>General Chemistry</b>		<b>Analytical Method: SM2540G</b>		<b>Prep Method: Metals No Prep</b>			
% Solids	19.9	%			BJL	12/26/19 19:56	12/26/19 19:56
<b>Total Metals</b>		<b>Analytical Method: EPA6010</b>		<b>Prep Method: EPA 3050 B</b>			
Antimony	<9.99	mg/kg dry		9.99	BJL	12/20/19 15:48	12/23/19 15:17
Beryllium	<2.50	mg/kg dry		2.50	BJL	12/20/19 15:48	12/23/19 15:17
Thallium	<4.99	mg/kg dry		4.99	BJL	12/20/19 15:48	12/23/19 15:17
<b>Volatile Organics</b>		<b>Analytical Method: EPA8260</b>		<b>Prep Method: Purge and Trap</b>			
Dichlorodifluoromethane	<1650	ug/kg dry		1650	MJK	12/31/19 13:53	12/31/19 13:53
Chloromethane	<1650	ug/kg dry		1650	MJK	12/31/19 13:53	12/31/19 13:53
Vinyl chloride	<1650	ug/kg dry		1650	MJK	12/31/19 13:53	12/31/19 13:53
Bromomethane	<4120	ug/kg dry	LH	4120	MJK	12/31/19 13:53	12/31/19 13:53
Chloroethane	<1650	ug/kg dry		1650	MJK	12/31/19 13:53	12/31/19 13:53
Trichlorofluoromethane	<1650	ug/kg dry		1650	MJK	12/31/19 13:53	12/31/19 13:53
1,1-Dichloroethene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Acetone	8980	ug/kg dry		8240	MJK	12/31/19 13:53	12/31/19 13:53
Methylene Chloride	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Methyl-tert-butyl ether	<1650	ug/kg dry		1650	MJK	12/31/19 13:53	12/31/19 13:53
trans-1,2-Dichloroethene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,1-Dichloroethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
2-Butanone	<8240	ug/kg dry		8240	MJK	12/31/19 13:53	12/31/19 13:53
cis-1,2-Dichloroethene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Chloroform	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Bromochloromethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,1,1-Trichloroethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,1-Dichloropropene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Carbon Tetrachloride	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Benzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,2-Dichloroethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Trichloroethene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,2-Dichloropropane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Dibromomethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Bromodichloromethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53





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Reported: 01/07/2020 10:30

Lab Sample ID#: 9121510-01  
Sample Type: Sludge  
Sample Source: Grab  
Sampler: Client  
Client Sample ID: Sludge

Sample Date: 12/18/2019 10:28  
Receipt Date: 12/18/2019 16:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
cis-1,3-Dichloropropene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
4-Methyl-2-pentanone	<8240	ug/kg dry		8240	MJK	12/31/19 13:53	12/31/19 13:53
Toluene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
trans-1,3-Dichloropropene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,2,3-Trichloropropane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,1,2-Trichloroethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,3-Dichloropropane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Tetrachloroethene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
2-Hexanone	<8240	ug/kg dry		8240	MJK	12/31/19 13:53	12/31/19 13:53
Dibromochloromethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,2-Dibromoethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Chlorobenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,1,1,2-Tetrachloroethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Ethyl Benzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
m,p-Xylenes	<1650	ug/kg dry		1650	MJK	12/31/19 13:53	12/31/19 13:53
o-Xylene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Total Xylenes	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Styrene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Isopropylbenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Bromoform	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,1,2,2-Tetrachloroethane	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
n-Propyl Benzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,3,5-Trimethylbenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Bromobenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
2-Chlorotoluene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
4-Chlorotoluene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
tert-Butylbenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,2,4-Trimethylbenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
sec-Butylbenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
4-Isopropyltoluene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,3-Dichlorobenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Butylbenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,4-Dichlorobenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,2-Dichlorobenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53



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Reported: 01/07/2020 10:30

**Lab Sample ID#:** 9121510-01  
**Sample Type:** Sludge  
**Sample Source:** Grab  
**Sampler:** Client  
**Client Sample ID:** Sludge

**Sample Date:** 12/18/2019 10:28  
**Receipt Date:** 12/18/2019 16:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
1,2-Dibromo-3-chloropropane	<4120	ug/kg dry		4120	MJK	12/31/19 13:53	12/31/19 13:53
1,2,4-Trichlorobenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Hexachlorobutadiene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Naphthalene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
1,2,3-Trichlorobenzene	<824	ug/kg dry		824	MJK	12/31/19 13:53	12/31/19 13:53
Surrogate: 1,2-Dichloroethane-d4	93.1 %		80-120		MJK	12/31/19 13:53	12/31/19 13:53
Surrogate: Toluene-d8	98.3 %		88-110		MJK	12/31/19 13:53	12/31/19 13:53
Surrogate: 4-Bromofluorobenzene	93.2 %		86-115		MJK	12/31/19 13:53	12/31/19 13:53

#### Organics

Analytical Method: EPA8270C

Prep Method: EPA 3550 B

Pyridine	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
N-Nitrosodimethylamine	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Aniline	<4990	ug/kg dry	Qq	4990	MJK	12/30/19 13:39	12/31/19 18:06
Phenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
bis(2-chloroethyl)ether	<4990	ug/kg dry	Qq	4990	MJK	12/30/19 13:39	12/31/19 18:06
2-Chlorophenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
1,3-Dichlorobenzene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
1,4-Dichlorobenzene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Benzyl alcohol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
1,2-Dichlorobenzene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2-Methylphenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
bis(2-chloroisopropyl)ether	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
3 & 4-Methylphenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
N-Nitroso-di-n-propylamine	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Hexachloroethane	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Nitrobenzene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Isophorone	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2-Nitrophenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2,4-Dimethylphenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
bis(2-chloroethoxy)methane	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2,4-Dichlorophenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Benzoic acid	<9940	ug/kg dry	Qq	9940	MJK	12/30/19 13:39	12/31/19 18:06
1,2,4-Trichlorobenzene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Naphthalene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
4-Chloroaniline	<4990	ug/kg dry	Qq	4990	MJK	12/30/19 13:39	12/31/19 18:06



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Reported: 01/07/2020 10:30

**Lab Sample ID#:** 9121510-01  
**Sample Type:** Sludge  
**Sample Source:** Grab  
**Sampler:** Client  
**Client Sample ID:** Sludge

**Sample Date:** 12/18/2019 10:28  
**Receipt Date:** 12/18/2019 16:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
Hexachlorobutadiene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
4-Chloro-3-methylphenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2-Methylnaphthalene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Hexachlorocyclopentadiene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2,4,6-Trichlorophenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2,4,5-Trichlorophenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2-Chloronaphthalene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2-Nitroaniline	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Dimethylphthalate	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Acenaphthylene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2,6-Dinitrotoluene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
3-Nitroaniline	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Acenaphthene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2,4-Dinitrophenol	<9940	ug/kg dry		9940	MJK	12/30/19 13:39	12/31/19 18:06
4-Nitrophenol	<9940	ug/kg dry		9940	MJK	12/30/19 13:39	12/31/19 18:06
Dibenzofuran	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
2,4-Dinitrotoluene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Diethylphthalate	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Fluorene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
4-Chlorophenyl-phenylether	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
4-Nitroaniline	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
4,6-Dinitro-2-methylphenol	<9940	ug/kg dry		9940	MJK	12/30/19 13:39	12/31/19 18:06
N-Nitrosodiphenylamine	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Azobenzene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
4-Bromophenyl-phenylether	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Hexachlorobenzene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Pentachlorophenol	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Phenanthrene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Anthracene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Carbazole	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Di-n-butyl phthalate	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Fluoranthene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Benzidine	<14900	ug/kg dry		14900	MJK	12/30/19 13:39	12/31/19 18:06
Pyrene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06



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**Lab Sample ID#:** 9121510-01  
**Sample Type:** Sludge  
**Sample Source:** Grab  
**Sampler:** Client  
**Client Sample ID:** Sludge

**Sample Date:** 12/18/2019 10:28  
**Receipt Date:** 12/18/2019 16:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
Butylbenzylphthalate	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Benzo[a]anthracene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
3,3'-Dichlorobenzidine	<9940	ug/kg dry		9940	MJK	12/30/19 13:39	12/31/19 18:06
Chrysene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
bis(2-ethylhexyl)phthalate	26800	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Di-n-octyl phthalate	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Benzo[b]fluoranthene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Benzo[k]fluoranthene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Benzo[a]pyrene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Indeno(1,2,3-cd)pyrene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Dibenzo(a,h)anthracene	<4990	ug/kg dry	Qq	4990	MJK	12/30/19 13:39	12/31/19 18:06
Benzo[ghi]perylene	<4990	ug/kg dry		4990	MJK	12/30/19 13:39	12/31/19 18:06
Surrogate: 2-Fluorophenol	73 %		20-150		MJK	12/30/19 13:39	12/31/19 18:06
Surrogate: Phenol-d6	74 %		20-150		MJK	12/30/19 13:39	12/31/19 18:06
Surrogate: Nitrobenzene-d5	68 %		30-150		MJK	12/30/19 13:39	12/31/19 18:06
Surrogate: 2-Fluorobiphenyl	81 %		30-150		MJK	12/30/19 13:39	12/31/19 18:06
Surrogate: 2,4,6-Tribromophenol	90 %		20-150		MJK	12/30/19 13:39	12/31/19 18:06
Surrogate: p-Terphenyl-d14	97 %		30-150		MJK	12/30/19 13:39	12/31/19 18:06
No TICs Found	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Dodecane, 1-iodo-	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Dodecane	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Cyclopentasiloxane, decamethyl-	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Carbonic acid, prop-1-en-2-yl tetradecyl ester	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Dodecane, 3-methyl-	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Dodecane, 2,6,11-trimethyl-	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Tridecane	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Undecane, 3-methyl-	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Undecane, 2-methyl-	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Tridecane, 6-methyl-	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Tridecane, 4-methyl-	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Tridecane, 2-methyl- (01)	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Tentatively Identified Compounds	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Pentadecane, 7-methyl-	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06



1803 Philadelphia Street  
Indiana, PA 15701  
P: (724) 463-8378  
F: (724) 465-4209  
PADEP: 32-00382

1276 Bentleyville Road  
Van Voorhis, PA 15366  
P: (724) 258-8378  
F: (724) 258-8376  
PADEP: 63-04247

435 Broad Street  
Montoursville, PA 17754  
P: (570) 321-9002  
F: (570) 321-1957  
PADEP: 41-04880

950 West Main Street  
Sharpsville, PA 16150  
P: (724) 463-8378 x 500  
F: (724) 465-4209  
PADEP: 43-04934

MSANK  
120 Logans Ferry Rd  
New Kensington, PA 15068

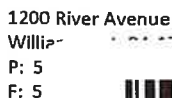
Reported: 01/07/2020 10:30

**Lab Sample ID#:** 9121510-01  
**Sample Type:** Sludge  
**Sample Source:** Grab  
**Sampler:** Client  
**Client Sample ID:** Sludge

**Sample Date:** 12/18/2019 10:28  
**Receipt Date:** 12/18/2019 16:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
TIC: Pentadecane	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: n-Hexadecanoic acid	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Hexadecane	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Heneicosane	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Tridecane, 2-methyl- (02)	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06
TIC: Dodecane, 2,7,10-trimethyl-	0.00	ug/kg dry			MJK	12/30/19 13:39	12/31/19 18:06





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9121510

[illegible]



**ENVIRONMENTAL**  
SERVICE LABORATORIES, INC.

## SAMPLE RECEIPT AND REVIEW FORM

### PART A: General Information

Client: <u>M. SANK</u>		Work Order: <u>9121510</u>	
Received by: <u>JA</u>	Date/Time Received: <u>12/18/19</u> <u>16:40</u>	Date Sampled: <u>12/18/19</u>	
Method of Delivery: <u>ESL courier</u>	FedEx	UPS	Client Drop off Other: _____
Sample Receipt Temp: <u>4.5</u>	Samples Received on Ice: <u>YES</u> NO		
IR Gun # Used: <u>1</u> <u>0</u> <u>3</u> <u>4</u>			
Samples Removed by Satellite Lab Division: Southern(BV) NorthWest(NW) Northern(WP)	Containers removed by Satellite Lab for analysis of: TCMPN ECMPN	Fecal Coliform	TC/EC
Sample State of Collection: <u>PA</u> NY OH WV Other: _____	PWSID COMPLIANCE DRINKING WATER SAMPLES: YES <u>NO</u>		

### PART B: Receipt Details

Completed (if different from above): \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Sample Receipt Criteria		Comments/Qualifiers (Required for Non-Conforming Items)		Deficiency Log Required
1	Chain of custody documents included with samples?	Yes No N/A	Comments:	YES NO
2	COC form is properly signed in relinquished/received sections?	Yes No N/A	Comments:	YES NO
3	Sample containers intact and sealed?	Yes No N/A	Circle Applicable: Damaged container Leaking container Custody Seal Broken Other: Sample ID's affected:	YES NO
4	Number of containers received match number indicated on COC?	Yes No N/A	Sample ID's and containers affected:	YES NO
5	Sample ID's on COC match ID's on bottles?	Yes No N/A	Sample ID's affected:	YES NO
6	Date and time on COC match date and time on bottles?	Yes No N/A	ID's and tests affected:	YES NO
7	Samples received within holding time?	Yes No N/A	Sample ID's, containers affected and observed pH:	YES NO
8	Samples received at appropriate pH for analysis requested?	Yes No N/A	For non-WV samples outside of thermal preservation range sampled same day and received on ice are considered acceptable condition as the cooling process has begun.	YES NO
9	Samples requiring thermal preservation within 0 ≤ 6°C? Microbiology within 0 ≤ 10°C?	Yes No N/A	Analyses Affected:	YES NO

January 06, 2020

Mr Richard Rodriguez  
Environmental Service Laboratories, Inc.  
1803 Philadelphia Street  
Indiana, PA 15701

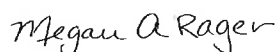
RE: Project: 9121510  
Pace Project No.: 30341982

Dear Mr Rodriguez:

Enclosed are the analytical results for sample(s) received by the laboratory on December 20, 2019. The results relate only to the samples included in this report. Results reported herein conform to the most current, applicable TNI/NELAC standards and the laboratory's Quality Assurance Manual, where applicable, unless otherwise noted in the body of the report.

If you have any questions concerning this report, please feel free to contact me.

Sincerely,



Megan A. Rager  
megan.rager@pacelabs.com  
(724)850-5600  
Project Manager

Enclosures



## REPORT OF LABORATORY ANALYSIS

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## CERTIFICATIONS

Project: 9121510  
Pace Project No.: 30341982

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### **Pace Analytical Services Pennsylvania**

1638 Roseytown Rd Suites 2,3&4, Greensburg, PA 15601

ANAB DOD-ELAP Rad Accreditation #: L2417

Alabama Certification #: 41590

Arizona Certification #: AZ0734

Arkansas Certification

California Certification #: 04222CA

Colorado Certification #: PA01547

Connecticut Certification #: PH-0694

Delaware Certification

EPA Region 4 DW Rad

Florida/TNI Certification #: E87683

Georgia Certification #: C040

Florida: Cert E871149 SEKS WET

Guam Certification

Hawaii Certification

Idaho Certification

Illinois Certification

Indiana Certification

Iowa Certification #: 391

Kansas/TNI Certification #: E-10358

Kentucky Certification #: KY90133

KY WW Permit #: KY0098221

KY WW Permit #: KY0000221

Louisiana DHH/TNI Certification #: LA180012

Louisiana DEQ/TNI Certification #: 4086

Maine Certification #: 2017020

Maryland Certification #: 308

Massachusetts Certification #: M-PA1457

Michigan/PADEP Certification #: 9991

Missouri Certification #: 235

Montana Certification #: Cert0082

Nebraska Certification #: NE-OS-29-14

Nevada Certification #: PA014572018-1

New Hampshire/TNI Certification #: 297617

New Jersey/TNI Certification #: PA051

New Mexico Certification #: PA01457

New York/TNI Certification #: 10888

North Carolina Certification #: 42706

North Dakota Certification #: R-190

Ohio EPA Rad Approval: #41249

Oregon/TNI Certification #: PA200002-010

Pennsylvania/TNI Certification #: 65-00282

Puerto Rico Certification #: PA01457

Rhode Island Certification #: 65-00282

South Dakota Certification

Tennessee Certification #: 02867

Texas/TNI Certification #: T104704188-17-3

Utah/TNI Certification #: PA014572017-9

USDA Soil Permit #: P330-17-00091

Vermont Dept. of Health: ID# VT-0282

Virgin Island/PADEP Certification

Virginia/VELAP Certification #: 9526

Washington Certification #: C868

West Virginia DEP Certification #: 143

West Virginia DHHR Certification #: 9964C

Wisconsin Approve List for Rad

Wyoming Certification #: 8TMS-L

## REPORT OF LABORATORY ANALYSIS

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## SAMPLE ANALYTE COUNT

Project: 9121510  
Pace Project No.: 30341982

Lab ID	Sample ID	Method	Analysts	Analytes Reported	Laboratory
30341982001	9121510-01	EPA 8081B	TAW	23	PASI-PA
		EPA 8082A	CWB	10	PASI-PA
		ASTM D2974-87	VAK	1	PASI-PA

## REPORT OF LABORATORY ANALYSIS

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## ANALYTICAL RESULTS

Project: 9121510  
Pace Project No.: 30341982

Sample: 9121510-01 Lab ID: 30341982001 Collected: 12/18/19 10:28 Received: 12/20/19 17:30 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
<b>8081B GCS Pesticides</b> Analytical Method: EPA 8081B Preparation Method: EPA 3546								
Aldrin	ND	ug/kg	115	5	12/31/19 08:12	01/02/20 14:32	309-00-2	P1
alpha-BHC	ND	ug/kg	115	5	12/31/19 08:12	01/02/20 14:32	319-84-6	CH,ML, P1
beta-BHC	219	ug/kg	115	5	12/31/19 08:12	01/02/20 14:32	319-85-7	C2,ML, P1
delta-BHC	ND	ug/kg	115	5	12/31/19 08:12	01/02/20 14:32	319-86-8	CH,P1
gamma-BHC (Lindane)	ND	ug/kg	115	5	12/31/19 08:12	01/02/20 14:32	58-89-9	P1
alpha-Chlordane	ND	ug/kg	115	5	12/31/19 08:12	01/02/20 14:32	5103-71-9	ML,P1, R1
gamma-Chlordane	ND	ug/kg	115	5	12/31/19 08:12	01/02/20 14:32	5103-74-2	P1
4,4'-DDD	ND	ug/kg	230	5	12/31/19 08:12	01/02/20 14:32	72-54-8	ML,P1
4,4'-DDE	ND	ug/kg	230	5	12/31/19 08:12	01/02/20 14:32	72-55-9	ML,P1
4,4'-DDT	ND	ug/kg	230	5	12/31/19 08:12	01/02/20 14:32	50-29-3	P1
Dieldrin	ND	ug/kg	230	5	12/31/19 08:12	01/02/20 14:32	60-57-1	P1
Endosulfan I	ND	ug/kg	115	5	12/31/19 08:12	01/02/20 14:32	959-98-8	ML,P1
Endosulfan II	ND	ug/kg	230	5	12/31/19 08:12	01/02/20 14:32	33213-65-9	P1
Endosulfan sulfate	ND	ug/kg	230	5	12/31/19 08:12	01/02/20 14:32	1031-07-8	ML,P1
Endrin	ND	ug/kg	230	5	12/31/19 08:12	01/02/20 14:32	72-20-8	P1
Endrin aldehyde	ND	ug/kg	230	5	12/31/19 08:12	01/02/20 14:32	7421-93-4	P1
Endrin ketone	ND	ug/kg	230	5	12/31/19 08:12	01/02/20 14:32	53494-70-5	ML,P1
Heptachlor	ND	ug/kg	115	5	12/31/19 08:12	01/02/20 14:32	76-44-8	ML,P1
Heptachlor epoxide	ND	ug/kg	115	5	12/31/19 08:12	01/02/20 14:32	1024-57-3	ML,P1
Methoxychlor	ND	ug/kg	1150	5	12/31/19 08:12	01/02/20 14:32	72-43-5	ML,P1
Toxaphene	ND	ug/kg	1150	5	12/31/19 08:12	01/02/20 14:32	8001-35-2	P1
<b>Surrogates</b>								
Tetrachloro-m-xylene (S)	61	%	50-117	5	12/31/19 08:12	01/02/20 14:32	877-09-8	
Decachlorobiphenyl (S)	61	%	46-111	5	12/31/19 08:12	01/02/20 14:32	2051-24-3	

### 8082A GCS PCB Analytical Method: EPA 8082A Preparation Method: EPA 3546

PCB-1016 (Aroclor 1016)	ND	ug/kg	2450	10	12/26/19 21:31	01/02/20 19:52	12674-11-2	ED,P1
PCB-1221 (Aroclor 1221)	ND	ug/kg	2450	10	12/26/19 21:31	01/02/20 19:52	11104-28-2	ED,P1
PCB-1232 (Aroclor 1232)	ND	ug/kg	2450	10	12/26/19 21:31	01/02/20 19:52	11141-16-5	ED,P1
PCB-1242 (Aroclor 1242)	ND	ug/kg	2450	10	12/26/19 21:31	01/02/20 19:52	53469-21-9	ED,P1
PCB-1248 (Aroclor 1248)	ND	ug/kg	2450	10	12/26/19 21:31	01/02/20 19:52	12672-29-6	ED,P1
PCB-1254 (Aroclor 1254)	ND	ug/kg	2450	10	12/26/19 21:31	01/02/20 19:52	11097-69-1	ED,P1
PCB-1260 (Aroclor 1260)	ND	ug/kg	2450	10	12/26/19 21:31	01/02/20 19:52	11096-82-5	ED,P1
PCB, Total	ND	ug/kg	2450	10	12/26/19 21:31	01/02/20 19:52	1336-36-3	P1
<b>Surrogates</b>								
Tetrachloro-m-xylene (S)	87	%	34-114	10	12/26/19 21:31	01/02/20 19:52	877-09-8	
Decachlorobiphenyl (S)	106	%	38-139	10	12/26/19 21:31	01/02/20 19:52	2051-24-3	

### Percent Moisture Analytical Method: ASTM D2974-87

Percent Moisture	80.0	%	0.10	1	12/30/19 12:06			
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## REPORT OF LABORATORY ANALYSIS

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## QUALITY CONTROL DATA

Project: 9121510  
Pace Project No.: 30341982

QC Batch: 377577	Analysis Method: EPA 8081B
QC Batch Method: EPA 3546	Analysis Description: 8081 GCS Pesticides
Associated Lab Samples: 30341982001	

METHOD BLANK: 1831178 Matrix: Solid  
Associated Lab Samples: 30341982001

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
4,4'-DDD	ug/kg	ND	3.3	01/02/20 14:13	
4,4'-DDE	ug/kg	ND	3.3	01/02/20 14:13	
4,4'-DDT	ug/kg	ND	3.3	01/02/20 14:13	
Aldrin	ug/kg	ND	1.6	01/02/20 14:13	
alpha-BHC	ug/kg	ND	1.6	01/02/20 14:13	
alpha-Chlordane	ug/kg	ND	1.6	01/02/20 14:13	
beta-BHC	ug/kg	ND	1.6	01/02/20 14:13	
delta-BHC	ug/kg	ND	1.6	01/02/20 14:13	CH
Dieldrin	ug/kg	ND	3.3	01/02/20 14:13	
Endosulfan I	ug/kg	ND	1.6	01/02/20 14:13	
Endosulfan II	ug/kg	ND	3.3	01/02/20 14:13	
Endosulfan sulfate	ug/kg	ND	3.3	01/02/20 14:13	
Endrin	ug/kg	ND	3.3	01/02/20 14:13	
Endrin aldehyde	ug/kg	ND	3.3	01/02/20 14:13	
Endrin ketone	ug/kg	ND	3.3	01/02/20 14:13	
gamma-BHC (Lindane)	ug/kg	ND	1.6	01/02/20 14:13	
gamma-Chlordane	ug/kg	ND	1.6	01/02/20 14:13	
Heptachlor	ug/kg	ND	1.6	01/02/20 14:13	
Heptachlor epoxide	ug/kg	ND	1.6	01/02/20 14:13	
Methoxychlor	ug/kg	ND	16.3	01/02/20 14:13	
Toxaphene	ug/kg	ND	16.3	01/02/20 14:13	
Decachlorobiphenyl (S)	%	78	46-111	01/02/20 14:13	
Tetrachloro-m-xylene (S)	%	75	50-117	01/02/20 14:13	

LABORATORY CONTROL SAMPLE: 1831179

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
4,4'-DDD	ug/kg	26.1	19.3	74	61-108	
4,4'-DDE	ug/kg	26.1	19.1	73	67-106	
4,4'-DDT	ug/kg	26.1	20.1	77	54-111	
Aldrin	ug/kg	13.1	8.9	68	59-99	
alpha-BHC	ug/kg	13.1	9.1	70	51-105	
alpha-Chlordane	ug/kg	13.1	9.6	73	59-102	
beta-BHC	ug/kg	13.1	9.1	69	57-103	
delta-BHC	ug/kg	13.1	10	76	10-147	
Dieldrin	ug/kg	26.1	18.9	72	61-104	
Endosulfan I	ug/kg	13.1	9.3	71	56-101	
Endosulfan II	ug/kg	26.1	19.2	73	60-101	
Endosulfan sulfate	ug/kg	26.1	19.8	76	58-108	
Endrin	ug/kg	26.1	18.9	72	58-105	

Results presented on this page are in the units indicated by the "Units" column except where an alternate unit is presented to the right of the result.

## REPORT OF LABORATORY ANALYSIS

Date: 01/06/2020 03:17 PM

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## QUALITY CONTROL DATA

Project: 9121510  
Pace Project No.: 30341982

LABORATORY CONTROL SAMPLE: 1831179

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Endrin aldehyde	ug/kg	26.1	15.0	57	37-113	
Endrin ketone	ug/kg	26.1	18.3	70	59-112	
gamma-BHC (Lindane)	ug/kg	13.1	8.9	68	52-106	
gamma-Chlordane	ug/kg	13.1	9.4	72	58-101	
Heptachlor	ug/kg	13.1	9.0	69	56-101	
Heptachlor epoxide	ug/kg	13.1	9.0	68	60-99	
Methoxychlor	ug/kg	131	97.5	75	60-105	
Decachlorobiphenyl (S)	%.			76	46-111	
Tetrachloro-m-xylene (S)	%.			73	50-117	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 1831180 1831181

Parameter	Units	30341982001 Result	MS Spike Conc.	MSD Spike Conc.	MS Result	MSD Result	MS % Rec	MSD % Rec	% Rec Limits	RPD	Qual
4,4'-DDD	ug/kg	ND	381	365	153J	201J	40	55	44-117		ML
4,4'-DDE	ug/kg	ND	381	365	245	224J	45	42	49-118		ML
4,4'-DDT	ug/kg	ND	381	365	206J	219J	31	36	11-142		
Aldrin	ug/kg	ND	191	183	149	148	61	62	42-115	1	
alpha-BHC	ug/kg	ND	191	183	79J	102J	36	50	41-117		CH,ML
alpha-Chlordane	ug/kg	ND	191	183	196	144	49	22	45-118	31	ML,R1
beta-BHC	ug/kg	219	191	183	125	119	-50	-55	23-139	4	ML
delta-BHC	ug/kg	ND	191	183	147	140	43	41	10-149	5	CH
Dieldrin	ug/kg	ND	381	365	180J	196J	42	48	33-129		
Endosulfan I	ug/kg	ND	191	183	100J	116	29	40	30-116		ML
Endosulfan II	ug/kg	ND	381	365	206J	200J	54	55	24-118		
Endosulfan sulfate	ug/kg	ND	381	365	210J	240	30	39	36-121		ML
Endrin	ug/kg	ND	381	365	194J	225J	51	61	43-118		
Endrin aldehyde	ug/kg	ND	381	365	154J	144J	40	39	16-110		
Endrin ketone	ug/kg	ND	381	365	280	198J	38	17	40-118		ML
gamma-BHC (Lindane)	ug/kg	ND	191	183	112J	130	54	66	38-120		
gamma-Chlordane	ug/kg	ND	191	183	202	189	54	48	10-134	7	
Heptachlor	ug/kg	ND	191	183	83.4J	98.8J	33	43	45-112		ML
Heptachlor epoxide	ug/kg	ND	191	183	112J	122	10	15	51-109		ML
Methoxychlor	ug/kg	ND	1910	1830	1150J	1180	23	25	40-121		ML
Decachlorobiphenyl (S)	%.						67	69	46-111		
Tetrachloro-m-xylene (S)	%.						62	66	50-117		

Results presented on this page are in the units indicated by the "Units" column except where an alternate unit is presented to the right of the result.

## REPORT OF LABORATORY ANALYSIS

Date: 01/06/2020 03:17 PM

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## QUALITY CONTROL DATA

Project: 9121510  
Pace Project No.: 30341982

QC Batch: 377210	Analysis Method: EPA 8082A
QC Batch Method: EPA 3546	Analysis Description: 8082A GCS PCB
Associated Lab Samples: 30341982001	

METHOD BLANK: 1829573 Matrix: Solid  
Associated Lab Samples: 30341982001

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
PCB-1016 (Aroclor 1016)	ug/kg	ND	16.6	01/02/20 19:35	
PCB-1221 (Aroclor 1221)	ug/kg	ND	16.6	01/02/20 19:35	
PCB-1232 (Aroclor 1232)	ug/kg	ND	16.6	01/02/20 19:35	
PCB-1242 (Aroclor 1242)	ug/kg	ND	16.6	01/02/20 19:35	
PCB-1248 (Aroclor 1248)	ug/kg	ND	16.6	01/02/20 19:35	
PCB-1254 (Aroclor 1254)	ug/kg	ND	16.6	01/02/20 19:35	
PCB-1260 (Aroclor 1260)	ug/kg	ND	16.6	01/02/20 19:35	
Decachlorobiphenyl (S)	%	85	38-139	01/02/20 19:35	
Tetrachloro-m-xylene (S)	%	62	34-114	01/02/20 19:35	

LABORATORY CONTROL SAMPLE: 1829574

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
PCB-1016 (Aroclor 1016)	ug/kg	166	105	63	61-105	
PCB-1260 (Aroclor 1260)	ug/kg	166	117	70	70-100	
Decachlorobiphenyl (S)	%			85	38-139	
Tetrachloro-m-xylene (S)	%			63	34-114	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 1829575 1829576

Parameter	Units	30342023035 Result	MS Spike Conc.	MSD Spike Conc.	MS Result	MSD Result	MS % Rec	MSD % Rec	% Rec Limits	RPD	Qual
PCB-1016 (Aroclor 1016)	ug/kg	ND	185	185	145	149	79	81	24-137	3	
PCB-1260 (Aroclor 1260)	ug/kg	463	185	185	611	638	80	95	19-156	4	
Decachlorobiphenyl (S)	%						87	86	38-139		
Tetrachloro-m-xylene (S)	%						69	66	34-114		

Results presented on this page are in the units indicated by the "Units" column except where an alternate unit is presented to the right of the result.

## REPORT OF LABORATORY ANALYSIS

Date: 01/06/2020 03:17 PM

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## QUALITY CONTROL DATA

Project: 9121510  
Pace Project No.: 30341982

QC Batch: 377422	Analysis Method: ASTM D2974-87
QC Batch Method: ASTM D2974-87	Analysis Description: Dry Weight/Percent Moisture
Associated Lab Samples: 30341982001	

SAMPLE DUPLICATE: 1830639

Parameter	Units	30341578001 Result	Dup Result	RPD	Qualifiers
Percent Moisture	%	0.19	ND		

SAMPLE DUPLICATE: 1830640

Parameter	Units	30341979001 Result	Dup Result	RPD	Qualifiers
Percent Moisture	%	79.9	80.2	0	

Results presented on this page are in the units indicated by the "Units" column except where an alternate unit is presented to the right of the result.

## REPORT OF LABORATORY ANALYSIS

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## QUALIFIERS

Project: 9121510  
Pace Project No.: 30341982

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### DEFINITIONS

DF - Dilution Factor, if reported, represents the factor applied to the reported data due to dilution of the sample aliquot.  
ND - Not Detected at or above adjusted reporting limit.  
TNTC - Too Numerous To Count  
J - Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit.  
MDL - Adjusted Method Detection Limit.  
PQL - Practical Quantitation Limit.  
RL - Reporting Limit - The lowest concentration value that meets project requirements for quantitative data with known precision and bias for a specific analyte in a specific matrix.  
S - Surrogate  
1,2-Diphenylhydrazine decomposes to and cannot be separated from Azobenzene using Method 8270. The result for each analyte is a combined concentration.  
Consistent with EPA guidelines, unrounded data are displayed and have been used to calculate % recovery and RPD values.  
LCS(D) - Laboratory Control Sample (Duplicate)  
MS(D) - Matrix Spike (Duplicate)  
DUP - Sample Duplicate  
RPD - Relative Percent Difference  
NC - Not Calculable.  
SG - Silica Gel - Clean-Up  
U - Indicates the compound was analyzed for, but not detected.  
N-Nitrosodiphenylamine decomposes and cannot be separated from Diphenylamine using Method 8270. The result reported for each analyte is a combined concentration.  
Pace Analytical is TNI accredited. Contact your Pace PM for the current list of accredited analytes.  
TNI - The NELAC Institute.

### LABORATORIES

PASI-PA Pace Analytical Services - Greensburg

### ANALYTE QUALIFIERS

C2	Relative percent difference between results from each column was greater than 40%. The lower of the two results was reported.
CH	The continuing calibration for this compound is outside of Pace Analytical acceptance limits. The results may be biased high.
ED	Due to the extract's physical characteristics, the analysis was performed at dilution.
ML	Matrix spike recovery and/or matrix spike duplicate recovery was below laboratory control limits. Result may be biased low.
P1	Routine initial sample volume or weight was not used for extraction, resulting in elevated reporting limits.
R1	RPD value was outside control limits.

## REPORT OF LABORATORY ANALYSIS

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## QUALITY CONTROL DATA CROSS REFERENCE TABLE

Project: 9121510  
Pace Project No.: 30341982

Lab ID	Sample ID	QC Batch Method	QC Batch	Analytical Method	Analytical Batch
30341982001	9121510-01	EPA 3546	377577	EPA 8081B	377616
30341982001	9121510-01	EPA 3546	377210	EPA 8082A	377239
30341982001	9121510-01	ASTM D2974-87	377422		

## REPORT OF LABORATORY ANALYSIS

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## SUBCONTRACT ORDER

Environmental Service Laboratories, Inc.  
9121510

WO#: 30341982

Please report all results to [reports@envlabs.com](mailto:reports@envlabs.com). Contact Bill Graham with any questions.SENDING LABORATORY:Environmental Service Laboratories, Inc.  
1803 Philadelphia Street  
Indiana, PA 15701  
Phone: 724-463-8378  
Fax: 724-465-4209  
Project Manager: Amanda PenatzerRECEIVING LABORATORY:Pace Analytical Services, LLC.  
1638 Roseytown Road - Suites 2, 3, 4  
Greensburg, PA 15601  
Phone: (724) 850-5600  
Fax: -

State of Origin: PA

Analysis	Due	Expires	Comments
<b>Sample ID: 9121510-01</b>			
<b>Matrix: Solid</b>	<b>Sampled: 12/18/2019 10:28</b>	<b>Sample Type: Grab</b>	<b>Sampled By: Client</b>
PCB	12/31/2019 23:00	01/01/2020 10:28	
Pesticides	12/31/2019 23:00	01/01/2020 10:28	
<i>Containers Supplied:</i>			
Glass Jar, 32 oz. (C)			

Released By	12/18/19	Bill Graham	12-20-19	1015
Received By				
Released By	12/20/19	1730	12/20/19	1730
Received By				



# Pittsburgh Lab Sample Condition Upon Receipt



Client Name:

ESL

Project #

# 30341982

Courier: ☐ Fed Ex ☐ UPS ☐ USPS ☐ Client ☐ Commercial ☒ Pace Other

Tracking #:

Label JSM

LIMS Login JSM

Custody Seal on Cooler/Box Present: ☐ yes ☒ no Seals intact: ☐ yes ☐ no

Thermometer Used 10 Type of Ice: Wet Blue None

Cooler Temperature Observed Temp 3.4 °C Correction Factor: 0 °C Final Temp: 2.4 °C

Temp should be above freezing to 6°C

Comments:	Yes	No	N/A	pH paper Lot#	Date and Initials of person examining contents: JSM 12/20/19
Chain of Custody Present:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1.
Chain of Custody Filled Out:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		2.
Chain of Custody Relinquished:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		3.
Sampler Name & Signature on COC:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		4. no signature
Sample Labels match COC:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		5.
-Includes date/time/ID Matrix: SL					
Samples Arrived within Hold Time:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		6.
Short Hold Time Analysis (<72hr remaining):	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		7.
Rush Turn Around Time Requested:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		8.
Sufficient Volume:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		9.
Correct Containers Used:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		10.
-Pace Containers Used:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Containers Intact:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		11.
Orthophosphate field filtered	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		12.
Hex Cr Aqueous sample field filtered	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		13.
Organic Samples checked for dechlorination:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		14.
Filtered volume received for Dissolved tests	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		15.
All containers have been checked for preservation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		16.
exceptions: VOA, coliform, TOC, O&G, Phenolics, Radon, Non-aqueous matrix					
All containers meet method preservation requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Initial when completed JSM	Date/time of preservation
				Lot # of added preservative	
Headspace in VOA Vials (>6mm):	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		17.
Trip Blank Present:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		18.
Trip Blank Custody Seals Present	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Rad Samples Screened < 0.5 mrem/hr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Initial when completed JSM	Date: 12/20/19

## Client Notification/ Resolution:

Person-Contacted: Date/Time: Contacted-By:

Comments/ Resolution:

☐ A check in this box indicates that additional information has been stored in ereports.

Note: Whenever there is a discrepancy affecting North Carolina compliance samples, a copy of this form will be sent to the North Carolina DEHNR Certification Office (i.e. out of hold, incorrect preservative, out of temp, incorrect containers)

\*PM review is documented electronically in LIMS. When the Project Manager closes the SRF Review schedule in LIMS. The review is in the Status section of the Workorder Edit Screen.